

LOCAL GOVERNMENT FOR JOURNALISTS

**BY GEOFFREY SMITH,
DERRIK HENDER AND DAVID KETT**



Local Government for Journalists

by Geoffrey Smith, Derrik Hender and David Kett

*Advisory Editor: John Alexander on behalf of the Public Administration Board
of the National Council for the Training of Journalists*

First published 1983
Second impression 1983
Second edition 1986
Second impression 1988
Third edition 1989
Fourth edition 1991

ISBN 0 904677 40 0

Copyright © NCTJ and LGC Communications.

Material cannot be reproduced without written permission of
NCTJ or LGC Communications

Published by LGC Communications Information and Research,
122, Minories, London EC3N 1NT
Telephone: 071 623 2530 Fax: 071 702 2822

Typeset and Printed by Alphaprint, Alton, Hants.

Contents

Chapter One – Structure of local government Page 7

Describes the types of local authority in England and Wales.

Lists the duties and powers of those various authorities.

Appreciates the problems and anomalies that arise between authorities in different tiers as a result of the division of functions.

Describes the role of the Boundary Commission in drawing up local authority boundaries.

Chapter Two – Electoral system Page 20

Describes the franchise and voting system for local government.

Lists the legal requirements for local government candidates and terms of office.

Describes the characteristics and qualities required of councillors.

Chapter Three – Operation of local government Page 24

Describes the committee system and types and powers of committees, including co-option and delegation.

Explains the procedures at committee and council meetings.

Describes the rights of public and press at council and committee meetings.

Describes in outline the organisation of council departments and the role of corporate management.

Distinguishes between the roles of officers and members.

Explains the principle of the declaration of interest.

Explains the payment and allowance system for councillors.

Recognises the function of the press officer and the value of other information services.

Appreciates in outline the role of party politics in local government.

Chapter Four – Local government finance Page 36

Identifies the sources of finance, including loans and lotteries, and the approximate proportion of cash to the whole.

Describes the operation of the community charge and uniform business rates, including the advantages and disadvantages.

Describes the various types of grants and subsidies available from central government and the way in which they are apportioned.

Defines and explains precepts and precepting authorities.

Describes the work of the district auditor.

Describes in outline capital expenditure.

Explains the problems of local government finance.

Describes budget process.

Lists EC regional funds available to local authorities.

Chapter Five – Control of local government Page 49

- Explains the reasons for control and the effect of such control.
- Describes the legislative control by parliament.
- Describes the administrative control by central government.
- Describes the financial control by central government.
- Describes the judicial control by the courts.
- Explains the role of local government commissioners.

Chapter Six – Local government and housing Page 54

- Lists the responsibilities of those local authorities defined as housing authorities, including homelessness.
- Explains in outline housing finance including rents, housing subsidies, improvement grants, rent rebates and allowances.
- Describes the relationship of local housing authorities with the private sector, and housing associations.
- Lists the functions of rent tribunal, rent assessment committee and rent officer.

Chapter Seven – Local government and education Page 63

- Explains the structure of aided and maintained schools, including comprehensives.
- Lists the role and duties of local education authorities.
- Describes the method of financing maintained educational services including awards and grants.
- Describes the role of Department of Education and Science and relationship between central and local government in education.
- Describes in outline the role of independent schools and the assisted places schemes.

Chapter Eight – Local government and planning Page 74

- Describes the division of functions among local planning authorities. Explains the reasons for planning.
- Describes the development control, including planning permission, planning appeals and blight.
- Explains the public inquiry system and procedures.
- Explains the compulsory purchase and compensation system.
- Describes development plans, including structure and local plans.
- Distinguishes between public participation and public consultation and the problems involved.

Chapter Nine – Local government and personal social services Page 83

- Explains the range of local authority social services.
- Appreciates in outline the role of independent or voluntary services.

Chapter Ten – Other local government services Page 90

Outlines the operation and control of the fire service.

Outlines the extent of leisure services, including sport, recreation, arts, museums.

Explains the range of environmental health services.

Outlines the responsibilities of local authorities for transport.

Describes the function of highway authorities.

Describes the range of consumer protection service.

Describes the public library service. (A brief description of the police service is also included).

Chapter Eleven – The role of water authorities Page 106

Describes the functions of the Water and Sewage plcs, statutory private water companies, National Rivers Authority and the Drinking Water Inspectorate.

Explains the funding of these bodies.

Preface

The publication under the auspices of the National Council for the Training of Journalists of the first edition of *Local Government for Journalists* in 1983 filled the yawning gap for a text book directly suited to the needs of students aspiring to a career in journalism and as a standard reference book for working journalists.

Geoffrey Smith undertook the daunting task of writing such a book and accomplished it with credit. It was in great measure due to him and to Crispin Derby, at that time Editor of *Local Government Chronicle*, and a member of the council's PA board, that this book eventually appeared.

Everyone who comes into contact with public administration is only too well aware that few areas of local government are left untouched for very long by people in high places eager to change, if not improve.

Wide-ranging changes in local government finance, services and structure necessitated further editions in 1986 and 1989. The updating work was carried out by members of the PA board for whose work I am very grateful. Not least of the Board's difficulties is that changes seem never to end and yet more legislation affecting councils was being enacted as this fourth edition was going to print.

The reception of the book has been heartening, not least as a standard reference book in newspaper offices. With the increasing intricacies and changes in local government, everyone – reporter, sub-editor, news editor and particularly the specialist municipal correspondent – needs an accurate and ready source of information if they are to record and interpret clearly and authoritatively the activities (and inactivities) of local authorities.

The fourth edition is the result of substantial revision by Derrik Hender, a consultant and former local authority chief executive, who has done an excellent job here.

Here then is our fourth edition. We hope it will prove at least as useful and as popular as its predecessors.

David Kett

Chairman, NCTJ Public Administration Board
Portsmouth 1991

Chapter One

Structure of local government

Describes the types of local authority in England and Wales. Lists the duties and powers of those various authorities. Appreciates the problems and anomalies that arise between authorities in different tiers as a result of the division of functions. Describes the role of the Boundary Commission in drawing up local authority boundaries.

How local government started

Modern local government began in 1835 when municipal corporations were set up.

The Metropolitan Board of Works, the forerunner to the London County Council, was created in 1855. Indirectly elected by the vestries and district boards, it covered most of built-up London. Its functions included sewerage, drainage, paving, cleansing and lighting, with the later addition of the Metropolitan Fire Brigade. (The Metropolitan Police Force was established in 1829 but has never been subject to local control.)

County councils and county borough councils were set up in 1888. The following year the London County Council succeeded the Metropolitan Board of Works.

The basic pattern of local government was completed in 1894 when urban and rural district councils took over, with added powers, from the old urban and rural sanitary authorities. Parish councils were also set up in 1894.

The creation of the London County Council in 1889, with more powers than the other county councils (it had a housing function unlike the rest of the counties), saw a progressive new force. But it proved too progressive for central government and, at the turn of the century, its powers were clipped by the establishment of metropolitan borough councils as a counterpoise.

Various changes in the LCC's functions followed. In 1929 it became the capital's social welfare authority in place of the local boards of guardians estab-

lished in 1834. This involved the management of some 70 hospitals, which the council reorganised and modernised to form the largest unified hospital service in the world.

These powers, in turn, were removed, as they were from the rest of local government, when public hospitals became the responsibility of the national health service in 1948.

London reorganisation

The move to reorganise local government in London began in 1957 with the establishment of the Royal Commission on Local Government in Greater London under Sir Edwin Herbert. The use of the word "Greater" reflected the vast expansion of the built-up area since the LCC was formed, and recognised that no logical distinction could be drawn between inner and outer London.

The Herbert Commission's report led to the London Government Act 1963, which extended the administrative area, taking in parts of Essex, Surrey, Kent and the whole of Middlesex.

The Act established, on 1 April 1965, the Greater London Council and 32 London borough councils. It confirmed the position of the City of London Corporation, the only local authority without a democratic basis. The City corporation's origins are medieval and many of its procedures are decorative rather than utilitarian.

The distribution of functions between the GLC and the London boroughs was ill-defined and frequently disputed, particularly in respect of housing and planning, throughout the life of the GLC, which ended on 31 March, 1986 (see below). The GLC was predominantly a strategic authority.

1974 reorganisation

In 1966, the late Richard Crossman as Minister of Housing and Local Government in a Labour Government, set up a Royal Commission under the chairmanship of Sir John Maud (Lord Redcliffe-Maud) to review functions and areas in England and Wales (excluding London). It was however, debarred from considering local government finance, in retrospect a bad mistake.

The Maud Commission reported in 1969 proposing that over 1,000 local authorities should be replaced by 61 new local authority areas. Fifty-eight of these areas were to be all-purpose authorities – enlarged county boroughs given the name unitary – while in the other three – centred on Birmingham, Liverpool and Manchester – a two-tier form of metropolitan government, similar to London, was proposed.

The Labour Government accepted the report with modifications. It was opposed by the Conservatives, who became committed to maintaining the two-tier system and formed the government after the 1970 general election. Peter Walker took over as Minister of Housing and Local Government (the post was soon upgraded to Secretary of State for the Environment) and he made it clear the unitary structure was too revolutionary. Evolutionary was to be the style of the new local government system.

His solution was a compromise embodied in the Local Government Act 1972. It recognised the special needs of the major centres of population by introducing two-tier metropolitan government in six areas. These were the three proposed by the Maud Commission (West Midlands, Merseyside and Greater Manchester) plus West Yorkshire, South Yorkshire and Tyne and Wear. All six metropolitan county councils were to be abolished on 31 March 1986.

For the rest of the country a traditional two-tier county/district structure was laid down. Amalgamations at county and district level brought a drastic reduction in the number of authorities – 39 counties and 296 districts in England, eight counties and 37 districts in Wales.

It was the traditional pattern, but it upset many traditionalists because old counties, like Cumberland, Westmorland and the three “parts” of Lincolnshire, disappeared. New counties like Avon, Cleveland, Cumbria and Humberside in England, Clwyd, Dyfed and Gwent in Wales, were set up. Many are still fiercely opposed by local people.

County boroughs, all-purpose authorities regarded by many as the most efficient form of local government ever devised, were swept away. Outside the metropolitan areas, the big cities like Nottingham, Bristol, Leicester, Derby and Norwich were relegated to district council status.

Shorn of their powers on big-spending services, the education and social services, and even libraries, they were reduced to the same level as other districts only a fraction of their size. The only consolation, if it was such, was that they could keep the title “city”. Many of the new districts successfully applied for Royal Charters to be called boroughs.

The 1986 reorganisation

The Conservative Party included in its 1983 general election manifesto a promise to abolish the Greater London Council and the six metropolitan county councils.

The manifesto said these authorities were a “wasteful and unnecessary tier of government.” It promised to abolish them and return most of their functions to the boroughs and districts with those services which needed to be administered over a wider area, such as police and fire, being run by **joint boards**.

There was bitter opposition, and many embarrassments for the Government, but the Local Government Act 1985 received Royal Assent in July 1985, with the seven authorities ceasing to exist after 31 March, 1986.

The Inner London Education Authority was retained as a directly elected authority, responsible for education in inner London but it did not last long in its new form, being abolished by the Education Reform Act 1988 on the 1st April 1990. Each London Borough is now responsible for education.

The winding down period of the GLC and the metropolitan counties was a difficult, and highly litigious period, with a number of court actions being brought to restrain spending by the authorities in their dying days.

The changes were presided over by **residuary bodies**, set up in Greater London and the metropolitan counties in September 1985 by the Secretary of State for the Environment. The Secretary of State appointed the chairmen and members of these bodies.

The residuary bodies assumed responsibility for the loan debt, legal liabilities and property that had not been transferred, and for preparing the final accounts of the authorities being abolished. They also took over responsibility for pension payments and superannuation funds where there was no prior agreement between districts, and for redundancy and compensation payments to employees of the GLC and metropolitan counties. The residuary bodies were required to wind themselves up by April 1991.

Co-ordinating committees, representing all the boroughs and district councils in each of the seven areas, were also set up to help the transfer of functions. A number of voluntary joint committees were also established for discharging some functions, eg, airports.

New **police authorities** were set up for the metropolitan county areas of Greater Manchester, Merseyside, South Yorkshire, West Midlands and West Yorkshire. In addition, the Northumbria Police Authority was extended to take in Tyne and Wear. All the metropolitan districts nominate councillors to serve on the new police authorities, but, as in county police authorities, one-third of the membership of each authority have to be non-elected magistrates appointed by joint magistrates committees. These magistrates do not have to live in the county area.

Seven new **fire and civil defence authorities** were set up in the areas administered by the abolished authorities. In London, each of the 32 London boroughs, plus the City of London, nominate one councillor to serve on the London Fire and Civil Defence Authority. In the six metropolitan areas the number of nominations of each district is dependent on its size. Districts, in their nominations to the new bodies, are required to reflect the political balance of their councils as far as is practical – many would argue that is not very far.

Six new **passenger transport authorities** were set up in the metropolitan areas. Their membership is based on the same criteria as the fire and civil defence authorities. London local government has not had any involvement in passenger transport since London Regional Transport, a government-appointed body, was set up in 1984 to take over GLC underground and bus powers.

On waste disposal, the position is varied. In London, one borough – Bexley – has been allowed to go it alone. Three non-statutory and four statutory bodies were set up. The voluntary (non-statutory) bodies cover:

- (a) Bromley, Croydon, Kingston upon Thames, Merton and Sutton;
- (b) Westminster, Tower Hamlets and the City of London; and
- (c) Greenwich, Lewisham and Southwark.

The new statutory bodies are:

West London (Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames);

North London (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest);

East London (Barking, Havering, Newham and Redbridge); and Western Riverside (Hammersmith and Fulham, Kensington and Chelsea, Lambeth and Wandsworth).

In addition, a Greater London Waste Regulation Authority was established to co-ordinate the disposal of waste and to prepare a waste disposal plan for the area and consult on it.

In other metropolitan areas the position varies with Greater Manchester (except Wigan) and Merseyside having joint boards while in other areas there are voluntary joint arrangements e.g. West Midlands.

One aim of the 1974 reorganisation was to make local government simpler to the general public. It failed, and the most recent reorganisation in Greater London and the metropolitan areas adds confusion to confusion.

Problems with the present structure

The plethora of new bodies created in 1974 and division of functions made matters much worse (see the following pages). For example, reporting on roads first requires finding out who is responsible for them. It may be central government (Department of Transport), the county council, the district council, or, in a few cases, the parish council.

Planning is another case of overlapping functions which can be confusing. Then there are agency agreements under which one authority arranges for another to carry out its statutory duties as its agent. **Agency agreements** are frequently set up between counties and districts. The agreements vary from area to area – they are most common in roads and refuse disposal. Agency agreements are not allowed for education, social services, police and fire.

Confusion can be caused by the titles of authorities. It is clear as far as counties are concerned, but districts and metropolitan districts can be known as district council, borough council or city council.

Today there is some discussion about the two-tier structure in shire counties and some are arguing that the counties are too remote and that they should be abolished and a single tier structure introduced. Should education be removed from local government finance as part of the Government's changes to local government finance, the case for abolition of county councils would be even stronger.

The Enabling Authority

The changing role of local authorities has been noticeable in recent years, with a move towards being an enabler, not simply a provider, of services. The **Enabling Authority** is seen as one which is mainly concerned with policy direction, resource allocation and monitoring results, where possible employing contractors rather than doing the work itself.

Powers and duties: London

London boroughs/City of London

Joint boards/statutory bodies etc.

PLANNING

- new unified development plans
- planning applications
- caravan sites (including gypsies)
- historic buildings and monuments

TRANSPORT

- roads
- footpaths
- traffic management and parking

EMERGENCY SERVICES

- police (City of London only)
- emergency planning

EDUCATION

ECONOMIC DEVELOPMENT

ENVIRONMENTAL SERVICES

- refuse collection
- refuse disposal (Bexley only)
- building regulations
- general environment services (including pollution, control of diseases, condition of shops and offices)
- street cleaning

HOUSING

PERSONAL SOCIAL SERVICES

TRADING STANDARDS

TRANSPORT

- London Transport run since 1984 by London Regional Transport a government-appointed body

EMERGENCY SERVICES

- police – Metropolitan Police under control of Home Secretary
- fire service and civil defence – London Fire and Civil Defence Authority

ENVIRONMENTAL SERVICES

- refuse disposal:
 1. London Waste Regulation Authority
 2. Four statutory waste disposal authorities
 3. Three voluntary joint boards

TRADING STANDARDS

- joint committees for the co-ordination of enforcement and the use of specialist facilities. The Trade and Industry Secretary has reserve powers to establish joint boards

Powers and duties: London *continued*

London boroughs/City of London	Joint boards/statutory bodies etc.
RECREATION AND ARTS libraries	ARTS Additional central funds via the Arts Council for major institutions
ALLOTMENTS	
REGISTRATION births, deaths and marriages electoral register	
SUPERANNUATION	DEBT MANAGEMENT
CEMETERIES & CREMATORIA	SUPERANNUATION
COMMUNITY CHARGE (collection)	

Powers and duties: the six metropolitan areas

Metropolitan districts	Joint boards/statutory bodies etc.
PLANNING new unified development plans planning applications caravan sites (including gypsies) historic buildings and monuments	
TRANSPORT roads footpaths traffic management and parking	TRANSPORT public transport – passenger transport authorities in each of the six metropolitan areas
EMERGENCY SERVICES emergency planning	EMERGENCY SERVICES police fire and civil defence – fire and civil defence authorities in each of the metropolitan areas
EDUCATION	
ECONOMIC DEVELOPMENT	

Powers and duties: the six metropolitan areas *continued*

Metropolitan districts	Joint boards/statutory bodies etc.
ENVIRONMENTAL SERVICES - refuse collection - refuse disposal (Wigan only) - building regulations - general environment services (including pollution control, food hygiene, control of diseases, and condition of shops and offices) - street cleaning	ENVIRONMENTAL SERVICES refuse disposal – voluntary joint arrangements in South Yorkshire, Tyne & Wear, West Midlands and West Yorkshire; statutory authorities in Greater Manchester (except Wigan) and Merseyside
HOUSING	
PERSONAL SOCIAL SERVICES	
TRADING STANDARDS	TRADING STANDARDS joint committees for the co-ordination of enforcement and use of specialist facilities. The Trade and Industry Secretary has reserve powers to establish joint authorities
RECREATION AND ARTS libraries	ARTS additional central funds via the Arts Council for major institutions. New trustee body for Merseyside County Museum and Walker Art Gallery, Liverpool.
AIRPORTS	AIRPORTS if there is no voluntary agreement between districts, control lies with the Passenger Transport Authority
ALLOTMENTS	DEBT MANAGEMENT
REGISTRATION - births, deaths and marriages - electoral register	SUPERANNUATION
CEMETERIES & CREMATORIA	
COMMUNITY CHARGE (collection)	

Powers and duties: counties and districts

Counties	Districts
PLANNING structure planning national parks caravan sites (including gypsies)* historic buildings	PLANNING local plans planning applications caravan sites (including management of gypsy sites)* historic buildings*
TRANSPORT highway & parking* traffic management footpaths and bridleways* transport planning	TRANSPORT unclassified roads offstreet car parking* footpaths*
EMERGENCY SERVICES fire police emergency planning*	EMERGENCY SERVICES emergency planning*
ENVIRONMENTAL SERVICES refuse disposal	HOUSING ENVIRONMENTAL SERVICES refuse collection building regulations general environmental services (including pollution control, food hygiene, control of diseases & conditions of shops and offices) street cleaning
RECREATION & ARTS parks & open spaces* swimming pools* support for the arts* museums* encouraging tourism*	RECREATION & ARTS parks & open spaces* swimming pools* support for the arts* museums* encouraging tourism*
SMALLHOLDINGS	ALLOTMENTS
REGISTRATION births, deaths & marriages	ELECTORAL REGISTRATION
CONSUMER PROTECTION trading standards etc.	CEMETERIES & CREMATORIA
EDUCATION	COMMUNITY CHARGE (collection)
ECONOMIC DEVELOPMENT	ECONOMIC DEVELOPMENT

* Concurrent with district

* Concurrent with county

Powers and duties: counties and districts *continued*

Counties

Districts

LIBRARIES

YOUTH EMPLOYMENT SERVICES

SUPERANNUATION

PERSONAL SOCIAL SERVICES

Local government in Wales

Eight new counties were set up by the Local Government Act 1972: Clwyd, Dyfed, Gwent, Gwynedd, Mid Glamorgan, Powys, South Glamorgan and West Glamorgan. The former county boroughs, boroughs, rural and urban districts were combined in 37 new districts.

Functions in Wales and England are allocated similarly. The differences are:

- refuse disposal is a district function in Wales;
- Welsh districts, with the consent of the county council, can provide on-street and off-street car parks (English districts can only provide off-street parking);
- Welsh districts may be allowed to administer libraries and some consumer protection functions.

Powers and duties of parish councils

Most services provided by parish councils are concurrent with the district council. Transport services may be undertaken with the permission of the county council. In addition, the district council, if requested, must notify the parish council of all planning applications concerning the parish council. The parish council may then comment on these applications.

Parish councils have these powers:

- Provision of allotments. (They have a duty to provide allotment gardens if there is an unsatisfied demand.)
- Provision of public baths, washhouses and swimming pools.
- Provision of cemeteries and crematoria
- Provision and maintenance of bus shelters
- Making by-laws about parks and open spaces, cycle parks, baths and mortuaries.
- Provision of public clocks
- Dealing with ponds and ditches
- Repair and maintenance of public footpaths; lighting of roads and public places; provision of litter bins; provision of parking places for bicycles and motor cycles; acquisition of rights of way, provision of roadside seats and shelters; provision of traffic signs and other notices.
- Promotion of lotteries
- Provision of mortuaries and post-mortem rooms
- Provision of public conveniences
- Provision of village halls
- Acquisition of land for recreation grounds and open spaces, and the management and control of them; provision of gymnasiums, playing fields and sports centres; provision of boating pools.

- Maintenance, repair and protection of war memorials.

In addition, the consent of parish councils is necessary for stopping or diverting a road.

English parishes

All parishes and parish councils survived under the 1972 Local Government Act, but without the added powers which were proposed for them by the Royal Commission, whose recommendations meant they would have been the only tier of local government under the large, all-powerful unitary authorities. The 1972 Act said all parishes with over 150 people must have a council.

Parishes are very much the grass roots of local government and as such can be important pressure groups. They are often regarded as nuisances by principal local authorities but it is quite common for parish councillors to serve as district and/or county councillors, which means they have an additional platform for advancing the cause of their parishes.

Parish councils (often retaining traditional titles of town or city council) vary enormously – from the 150 minimum population to over 30,000. There are nearly 200 in metropolitan areas. In addition, after the 1974 reorganisation, a number of “disappearing” authorities, mostly with a population under 20,000, gained special dispensation to continue in parish form (known as Town Councils).

Parish councils have to hold an annual meeting and at least three other meetings a year. The chairman of the council may call an extraordinary meeting at any time. In addition, there must be a parish meeting, open to all electors, every year between March and June. The parish meeting may discuss any matter of interest to the parish. A vote can be taken, with all electors present entitled to take part, but in most cases the vote is not binding on the parish council. Further parish meetings may be called by the chairman, two parish councillors or six local government electors for the parish.

Welsh community councils

These are the Welsh parish councils. They automatically took over where there was a parish council before the 1972 Act. All former Welsh boroughs (except Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda and Swansea) and all urban districts became communities on 1 April 1974 and had to have a community council if the former authority demanded one or the Secretary of State for Wales insisted.

It is easier to get rid of a Welsh community council than an English parish. After five years, a meeting of electors can abolish a community council; on the other hand, after two years an electors' meeting can bring a council into existence.

Local Government Boundary Commissions

New Boundary commissions for England and Wales were set up under the Local Government Act 1972. The English Commission consists of chairman, vice-chairman, and not more than five other members, all appointed by the Secretary

of State for the Environment; the Welsh Commission consists of a chairman, vice-chairman and not more than three other members, all appointed by the Secretary of State for Wales. Both commissions have a duty to review local government areas and to make recommendations to the appropriate secretary of state.

The English commission may propose:

- alteration of local government area.
- formation of a new local government area by amalgamating two or more authorities or parts of authorities
- abolition of any principal area of local government, with the area being split up among other areas.
- constitution of a new parish.
- abolition of a parish.

In addition, the English commission was given a duty to review all counties, metropolitan districts and London boroughs after 1984 and before 1989. These reviews have to be repeated on a similar time scale: not before 10 years or after 15 years. Some county boundaries were changed in 1985 following a review.

The commission also was given a duty to review, on the same time scale, the boundaries between Greater London and the surrounding counties, and between the City of London and the adjoining London boroughs.

Local authorities may propose changes in their own boundaries to the commission. When this happens the commission passes on the request, together with its comments, to the secretary of state.

District councils have a duty to keep parish boundaries under review. They may propose changes in the boundary commission. They have to act on a request for a review from a parish council, or from at least 30 parish electors. If they do nothing the parish concerned, or the electors, can make a direct approach to the commission. The commission, in turn, may make a proposal to the district. If it still does nothing the commission can go direct to the secretary of state.

The Welsh and English commissions have the same duties and powers of recommendation.

Chapter Two

Electoral system

Describes the franchise and voting system for local government. Lists the legal requirements for local government candidates and terms of office. Describes the characteristics and qualities required of councillors.

Electoral System

Local government reorganisation in 1974 did not make the structure any simpler and the 1986 reorganisation, with its plethora of joint boards and residuary bodies, has increased the complexity. But the reorganisations did bring some order to local elections without complete uniformity.

Prior to 1974, local elections used to be held throughout the first week of May. The Local Government Act 1972 changed all that: elections are now held on the first Thursday in May, unless the Home Secretary fixes another day.

The Act provided for the first time that all members of all principal councils in England and Wales (except, of course, the City of London, which democracy continues to pass by) should be directly elected. Gone are the aldermen, who used to be elected by members of councils.

All councillors, except those elected at by elections, are elected for four years, but the election pattern for the different types of local authority varies. It is:

Counties: Elections every four years – in 1985, in 1989 and so on – with the whole council retiring at the same time. Counties are divided into electoral divisions (**wards**) which return between one and five members according to population.

London boroughs: Elections every four years – 1986, 1990 and so on. The whole council is elected at the same time. The boroughs are divided into wards each returning three members.

Metropolitan districts: Areas are divided into wards, with three councillors representing each ward. Elections are held in three years out of four, with one third of the council (one member from each ward) retiring each time. All members are elected for four years except at by elections. Elections were held in 1986 and the cycle continues, 1987 and 1988, 1990, 1991 and 1992, and so on.

Districts: The same type of representation as metropolitan districts, but these authorities can choose whether to have one third of the council retiring in three years out of four, as in metropolitan districts, or the whole council retiring at the same time. Where they opt for the one third system, the calendar is the same as for metropolitan districts; where the whole council retires together, elections are held midway between county elections, i.e., 1987, 1991, and so on.

Parish and community council elections

These are held every four years, the whole council retiring at the same time, 1987, 1991 and so on. There have to be at least five members of a parish council, the actual number being fixed by the district. Where parishes and communities are divided into wards, separate elections are held for each ward. Where there are no wards, there is one election for the whole council.

By elections

Whenever a **by election** is held – when a member dies, resigns or is disqualified from membership – in any type of local authority, the person elected serves out the time of the person originally elected for the seat. But, if a councillor resigns or dies after the September of the year prior to an election the following May, the seat remains vacant until that election.

Qualifications to stand for election

Anyone can stand for election to a local authority providing they are properly nominated, are 21, and:

- (a) are a local government elector for the area; or
- (b) have occupied for the whole of the preceding 12 months, as owner or tenant, land or other premises in the area; or
- (c) have their principal or only place of work in the area; or
- (d) have lived in the area for 12 months; or (in the case of a member of a parish or community council) have lived in the parish or community, or within three miles of it, for 12 months.

But prospective candidates who meet these requirements will still be barred from seeking election if they:

- (1) have been adjudged bankrupt; or
- (2) have in the five years before the election, while a member of any local authority, been ordered by the district auditor to repay more than £2,000 (if this happens to a sitting member they must resign); or
- (3) have in the three years before the election been sent to prison for three

months or more without the option of a fine (if this happens to sitting members they lose their seat); or

- (4) are disqualified from membership under the Representation of the People Act 1983 for conviction for corrupt electoral practices.

In addition, paid officers cannot be members of their employing authority; teachers cannot be members of the authority which maintains the school in which they work; and members of a passenger transport executive cannot be members of the county council which covers the same area as the executive. Teachers may, however, be co-opted on to the education committee of the authority that employs them.

The Local Government and Housing Act 1989 disqualified a paid officer of one authority from being a member of any other authority if in a "**politically restricted post**". This means all officers with a salary level of just over £20,000 a year (adjusted to keep pace with salary changes); those involved in giving advice to their authority, not just supplying facts, and those responsible for regularly communicating with the media as part of their normal work e.g. press officers. The Secretary of State has appointed an adjudicator to hear appeals from those affected by the restrictions.

Election procedure

The notice of election must be published at least 25 days before the election. **Nomination papers** for candidates must be handed in by noon 19 days before the election (all nomination papers must bear the candidate's name and those of a proposer and seconder and eight other people eligible to vote in the area; a list of the candidates nominated must be published by noon on the 17th day before the election; withdrawal of candidature must be made no later than 16 days before the election; and notice of appointment of polling or counting agents must be made by five days before the election.

Each authority has to appoint a **returning officer** (usually the chief executive) responsible for conduct of the election. The returning officer appoints presiding officers to attend each polling station, supervises counting of votes, rules on whether or not ballot papers have been spoiled, and publishes the results.

Polling stations are open from 8am to 9pm for local elections; for parliamentary elections the hours are 7am to 10pm.

There are legal limits setting the maximum amount that can be spent by candidates on election expenses.

Who can vote?

The simple answer is whoever is on the register of electors, which is drawn up on 10 October each year by the **registration officer**. Every metropolitan district, district and London borough has to appoint registration officers. Their principal task is compilation of the **electoral register**. This involves sending a registration form, which must be completed, to every home in the constituency. The register operates from 16 February each year.

The register serves local, parliamentary and European parliament elections. The basic entitlement to vote is for an elector to be 18 years old on the date of polling, a British or commonwealth citizen (or a citizen of Eire) and to have a qualification based on residence (or to have a service qualification, a qualification as a merchant seaman, or a declaration as a voluntary mental patient).

There are exceptions. People cannot vote in general elections if they are a peer of the realm or are suffering from severe mental illness – peers can, though, vote at local elections.

Also barred from voting are people of unsound mind, prisoners, or people who have been convicted of corrupt or illegal practices under the Representation of the People Acts (the latter are disenfranchised for three to five years). People convicted for a second time of bribing or corrupting public officials can be barred from voting for five years at the court's discretion.

Certain British citizens living abroad now have the right to vote in British elections and holidaymakers are allowed an absent vote, following regulations approved on 24 June 1986 by both Houses of Parliament giving effect to the provisions of the Representation of the People Act 1985 to extend the franchise.

This entitles British citizens who have been resident in the UK and registered as electors within the previous 20 years to make an annual declaration, which allows their names to be included on the electoral register in the constituency where they were registered before going abroad. They can then vote by proxy at any parliamentary or European Parliament election which occurs while they are on the register.

Declaration forms are available from British consulates and diplomatic missions. Declarations must be made before October 10 for inclusion in next year's register. For people who were previously resident in Northern Ireland the closing date is September 15. The first time a declaration is made it has to be attested by a consular official. There is no fee for this service or for any other part of the registration process.

The regulations also set out new detailed requirements which apply to absent voters, such as holidaymakers. Under the Representation of the People Act 1985 an absent vote is allowed at a particular election if the electoral registration officer is "satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person".

There is a special exemption for electors who are taken ill prior to the poll. Their applications can be accepted up to the sixth day before the election.

Chapter Three

The operation of local government

Describes the committee system and types and powers of committees, including co-optation and delegation. Explains the procedures at committee and council meetings. Describes the rights of public and press at council and committee meetings. Describes in outline the organisation of council departments and the role of corporate management. Distinguishes between the roles of officers and members. Explains the principle of the declaration of interest. Explains the payment and allowance system for councillors. Recognises the function of the press officer and the value of other information services. Appreciates in outline the role of party politics in local government.

Local authorities usually operate through a system of full council meetings held either monthly, bi-monthly or quarterly, supplemented by committee and **sub committee meetings**.

Role of the council meeting

The full meeting of the council receives a report from each committee chairman on what the committee has done since the last meeting, details of action taken under delegated powers, and what recommendations the committee wishes the council to endorse.

The **mayor** or **chairman's** role is to manage meetings and see fair play and due expedition of business. These posts are largely ceremonial. The real power is vested in the **leader of the council** who leads the largest political party.

If a councillor opposes a committee recommendation there are a number of courses of action open. The **reference back** may be moved. This means that the matter should go back to the committee for further consideration. Alternatively, a member may seek to **amend** a committee proposal or move its rejection. Any of these actions opens a debate.

Questions occupy an important part of the meeting of a full council. Members give notice of questions they wish to put to committee chairmen about any matter within the competence of their committees. Questions from members of the majority party are often framed so that the chairman can paint a glowing

picture about some enterprise the majority party wants to publicise. Questions from opposition members are usually tabled in a bid to show the majority party is not doing what it should, or is doing it too slowly or badly.

Other business on the council agenda could include **petitions** from electors (which are referred to the appropriate committee for examination), and **notices of motion** by individual members, or groups of members, usually from the opposition benches.

These may be referred to a committee for examination; be approved or rejected; or be amended by the majority party to make the motion mean more or less the opposite of the original.

Members can raise **points of order**, usually to claim that something that has been done or is proposed to be done is contrary to **standing orders** – the rules drawn up by the authority to govern its procedure and the way it operates.

They can also seek to find out something by a **point of information**.

All meetings begin by seeking approval of the minutes – the record of what has taken place at the last meeting. Some authorities require the full minutes of subordinate bodies like committees and sub committees to be presented to the major body. This can result in elaborate detailed documents which members do not need; an alternative is a summarised report of principal action taken by the subordinate body, including, of course, recommendations on matters on which it is not authorised to take decisions.

Minutes are written by local government officers in a form which is intended to make them accurate and comprehensible. They must sometimes use legalistic terms to ensure that a minute cannot be challenged in a court of law or by an ombudsman or at audit.

Most council meetings operate on these lines, but there are many differences in detail. For instance, one London borough allows time for questions submitted in writing by electors. The electors can listen to the answers and then submit supplementary questions. But this is not common. Standing orders of each council are worth studying so that procedures and manoeuvres are understood.

Role of committees

Standing committees of councillors are appointed to control services. All committees are supported by professional officers.

These committees are established on a permanent basis to handle council affairs in more detail than is possible in a full council, which can have more than 100 members. Councils must have standing committees for education, social services and police where they have those statutory functions.

The responsibilities of each committee are laid down, usually in the council's standing orders.

There are many decisions a committee can take without approval of the full council. This is known as acting under **delegated powers**. Many authorities had believed that the power of delegation also extended to a committee chairman, but a high court ruling in November 1985 said that authorities which delegated

powers of executive action to committee chairmen on their own were acting illegally, because you cannot have a committee of one person.

Under the Local Government (Access to Information) Act 1985, local authorities have to keep a register open to public inspection of those decisions which can be delegated to officers. It is important to distinguish between a committee **resolution** under delegated powers and when it is making a **recommendation** for action to the full council. In the first case you can say "The committee has decided that...", while in the second all you can say is "the committee is recommending (a particular course of action) to the council".

Where no single party has overall control, there will be a lot of political wrangling over committee composition and chairmanships.

Committees have the right to co-opt people who are not members of the council. While **co-opted members** may speak and give advice, and otherwise contribute to the work of the committee they may no longer vote unless they are church representatives on an education committee.

The voting rights of "**ex officio**" members has also been removed. There had been a fairly widespread practice of Mayors and Council Chairmen, and Leaders of controlling groups, being regarded as "**ex officio**" members of all committees with power to vote at meetings. They can still attend and contribute to the debate but have no voting rights unless they are full members of the committee or sub-committee.

Ad hoc committees are sometimes set up to deal with a crisis or problem requiring special attention.

Committees have the power to appoint sub committees with powers and duties similar to those of a main committee. Sub committees may have delegated powers. As with the committees delegated powers may also be given to officers of the authority who will report their action to the committee or sub committee.

Political balance on committees

The composition of committees and sub-committees must reflect proportionately the political balance of the whole council. On education committees, the existence of non-church representatives is taken into account in determining how many seats constitute a working majority. In reviewing political representation on committees authorities have to have regard to the following principles:

- not all seats to be allocated to the same political party
- the majority of seats to be allocated to the majority party
- the number of seats a political party has on committees etc to be the same proportion as it holds of the total seats on the council.

The allocation of seats is left to the political party who may appoint, and terminate the appointments, of their members.

The **Policy and Resources Committee** is usually the senior committee of the council and decides matters of major policy and resource allocations. The actual level of the community charge to be recommended to the Council may be

delegated to the Finance Committee but the real control lies with this senior committee.

Party politics

All this recognises the increasing politicisation of local government and the frequent confrontations between local authorities and central government – both issues dealt with by the Widdicombe Report in June 1986. Local politicians, thanks to the media, are much better known than a few years ago, as much for their fights with their own party as with the government.

Most local authorities are now run on party lines with group meetings. Many have deplored this, but one thing is certain – it is here to stay. And it must be remembered that it has not been imposed by law – it has developed spontaneously to become part of the established order of things.

It does, of course, have considerable merits. Voters have a far better knowledge of what candidates stand for since most parties – and even bodies like residents' associations publish election manifestos setting out their general policy. And there has been an increase in the number of people voting in local elections. Turn out was always expected to be very small, but now polls of over 50% are not uncommon.

It goes wrong when everything is debated on party lines, as it is all too often these days. After all, the great majority of issues which come before a council and its committees call for consensus decisions outside party politics.

One thing which is acting against one party decision making is the emergence of the Liberal Democrats. Their continuing successes in local elections has led to them not only winning outright control in a number of authorities, but also holding the balance of power in others.

Conservative and Labour politicians are united in thinking that decision making has suffered in hung councils although the Liberal/Democrats regard them as a more open reflection of public opinion.

While some chief executives complain of uncertainty and inability to plan ahead and that their administrative burdens have increased others regard hung councils as a challenge that enables them to exercise their skills in managing the authority.

Authorities may appoint a maximum of three paid assistants to political groups, which can be filled by persons with political associations. There is a limit of one assistant per political group. In order to qualify membership of a group must comprise 10% of the total membership of the authority. These assistants cannot have delegated powers or direction over other employees, and their employment is limited to the life of the council. They cannot be paid more than the figure set to qualify for a politically restricted post but nonetheless the holders will be designated as though they were holding such a post and will not be able to be councillors in another authority.

Council departments and officers

Each local authority is divided into a number of departments usually headed by a professionally qualified officer or an experienced manager. Each department reports to a committee.

There are two types of department: service departments like education, social services (both statutory departments which are required by law), technical services and leisure services, which are responsible for the authority's services to the public; and departments responsible for supporting those services, eg, finance, law and administration, and personnel.

The names of these departments can vary greatly from authority to authority, as can the title of the officer at the head of them. For example, a glance at *Public Authorities Directory* shows education departments in the 36 metropolitan districts are headed by 19 directors of education, ten chief education officers, two directors of educational services, one education officer, one director of education services, and one borough education officer, one director of education and arts, and one director of community education.

In the same authorities there are 15 directors of finance, four borough treasurers, six city treasurers, two treasurers, two chief financial officers, two directors of financial services, one management and finance officer, one chief finance officer, one called the city treasurer, registrar of loans and stocks and chief rating officer, while two are jointly chief executive and treasurer.

Direct Labour Organisations (DLOs) and Direct Service Organisations (DSOs)

DLOs and DSOs comprise local authorities' manual work force – general construction workers, refuse collectors etc.

The operation of these organisations, which often attract much political attention, is strictly controlled by the Local Government Planning and Land Act 1980 and the Local Government Act 1988. They may be responsible for a variety of work ranging from maintenance or general construction work to providing a service. Many authorities have more than one of this type of organisation.

The controls require them to act in a commercial manner and to make a required rate of return on their capital, should they fail to do so then the government can order them to be wound up. Under the 1988 Act the government can prescribe work that must be subject to competitive tendering and no favouritism can be shown to the in-house organisation in awarding tenders even if an unsuccessful tender means the organisation can go out of business. In recent years the awarding of contracts in-house has been subject to strict scrutiny by government who, in some cases, have ordered authorities to re-tender. There is a code of rules about what can and what cannot be taken into account in comparing in-house and external tenders. These organisations also have to produce an annual report which can be a fruitful source of information.

Head of paid service, other officers and corporate management

The senior officer in most local authorities is usually called the **Chief Executive** but may sometimes be called Clerk or Principal Officer. Their role is to act as the principal adviser, manager and co-ordinator for the authority.

There is no recognised professional qualification for the appointment but the majority are still lawyers with a large number of accountants and a number of other disciplines. When councils are appointing a chief executive they are looking for somebody with the experience and maturity to be their principal adviser and who will be responsible for seeing that their wishes, if lawful and practical, are put into effect. They will need a first class manager who can motivate all staff to produce results and somebody who is politically sensitive but not politically committed. Chief executives reflect corporate management and their introduction in the 1970 led to some debate which has re-emerged in recent years when local authorities have been faced with financial cut-backs. Some councils question the need for an officer whose sole responsibility is to manage the authority and not hold other departmental responsibilities.

Authorities are now required by law to nominate one officer as **Head of the Paid Service**. This post is usually held by the Chief Executive, Clerk or Principal Officer. The officer has a statutory duty to report to the authority, one copy to each member, on co-ordination of functions; numbers and grades of staff; organisation, appointment and management of staff. The authority must consider the report within three months but do not have to agree to its proposals.

Authorities must also appoint an officer, the Chief Financial Officer, to be responsible for making proper arrangements for the administration of their finances. The officer must be a member of an approved accountancy body.

Local authorities must also nominate an officer as **Monitoring Officer**. The person appointed may be an existing officer, or the head of the paid service but cannot be the chief financial officer. The Monitoring Officer must report to the authority, in consultation with the head of the paid service, chief financial officer and council chairman on any contravention of law or a code of conduct or an act of maladministration. The authority must consider the report within 21 days and must not give effect to any proposals which are the subject of the report before it has done so. This appointment, which is usually held by the chief executive or council lawyer, is a controversial one as it could bring the officer into conflict with the council. Most chief executives claim that they have always carried out this role but have done so with the sensitivity that is necessary to achieve results rather than threatening their authority with a statutory report.

Most authorities operate some kind of **corporate management** system that seeks to achieve co-ordination of effort and to avoid the waste and dangers of a "departmental" approach to solving problems. The chief executive has a **management team** of chief officers responsible for developing the corporate approach. This may include all, or just some, of the chief officers of the authority. There are usually working groups of officers from different departments who co-ordinate both policy advice and overall, but not detailed, implementation of council policies.

Policy decisions – officers and members

Who really decides a council's policy? Some argue that it is the officers who really rule – that councillors are often incapable of deciding the complex and often highly technical issues that arise.

There was certainly a lot of truth in this in the old authorities, but now that politics play a more important part in local government, the councillors are much more assertive. The officers present the facts and the politicians fight out the decisions between themselves.

Whatever decision is reached, the officers must loyally see it is carried out, whether or not they approve of it. How that decision is reached will depend both on the merits of the case and the skill with which it is presented, first by the advising officers and then by the councillors.

There cannot really be a comprehensive answer to the question of who decides policies – so much depends on the personalities involved. There are bound to be cases of councillors rejecting wise advice from their officers. Equally there will be instances where they act on ill-founded recommendations. All the people involved are prone to error. Sometimes councillors are right, sometimes officers. No generalisation is possible. It is one of the great merits of local government that each authority is free to work out its own method.

Declaration of pecuniary interest

One of the commonest of many misinformed criticisms of local government is that people only go into it for what they can get out of it. It is alleged that councillors are motivated by such aims as wringing a contract from the authority, securing planning permission for themselves or their friends, or otherwise using their membership to secure personal advantages.

Of course, this sort of thing does sometimes happen, in local government as in other walks of life. But it is rare and subject to severe penalties. There have been remarkably few cases of corruption in recent years. Consequently such cases have attracted enormous publicity.

The rules are simple. Councillors must not play any part in any decision which will confer **pecuniary (financial) advantage** on themselves. They must report publicly any connection with any concern with which the council has dealings. And when any item of business in which they have, or may have, an interest comes before a council or committee meeting, they must declare that interest and take no part in reaching a decision and should leave the meeting whilst the item is being discussed.

It is not always clear whether or not a councillor does have a pecuniary interest in a matter. In such cases they should take advice from the chief executive or one of the authority's legal officers. But officers can only advise. Councillors, in the light of this advice, must decide whether or not there is an interest.

In some cases, the Secretary of State for the Environment or Secretary of State for Wales can issue either a general or particular dispensation entitling members with declared interests to take part in debates and to vote. An example of this is

that councillors who are council tenants may take part in debates on, and vote on, matters relating to council housing.

The chief executive has a duty to report to the police any cases where it is thought members may not have declared an interest.

The need to disclose non-pecuniary interests has always been less clear cut than for pecuniary ones but the new Code of Conduct clarifies the situation. The code now requires the disclosure of all non-pecuniary interests unless they are insignificant or are shared with other members of the public as a ratepayer, community charge payer or as an inhabitant of the area. Non-pecuniary interests include those of the member's family and friends as well as those arising through membership of, or association with, clubs, societies, other organisations such as freemasons and trade unions and voluntary bodies.

Councillors in their statutory oath of acceptance of office now have to agree to abide by the Code of Conduct and if a member does not comply then the Ombudsman may decide that there has been an act of maladministration.

Payment of allowances

The Local Government Act 1972 introduced the concept of attendance allowances to cover "approved duties", as a means of payment for councillors on principal authorities (i.e. all councils other than parish councils). Members were also able to claim financial loss allowances as an alternative provided that they gave notice to their authority. In 1989 members could also claim a special responsibility allowance if they held a key post in their authority. This additional allowance was at the discretion of the authority. Travel and subsistence allowances are paid in accordance with scales laid down by the Secretary of State who also fixed the amount of the other allowances.

Under the Local Government and Housing Act the Government has moved towards implementing the call of the Widdicombe Report for a change in the way allowances are administered. The date for the introduction of the changes has been altered but they are expected to come into force in 1991.

- A total sum is fixed for payment to councillors for each type of local authority and each council has to draw up its own scheme for distributing the money.
- All councillors will receive a **basic allowance** and this must not be less than 33% of the total amount spent on payment of councillors.
- The authority may pay **attendance allowance** to councillors for **approved duties**. The Government has drawn up a more restricted list of such duties covering only council committees, sub-committee and representative duties on public bodies, voluntary organisations formed for a public purpose (rather than for the benefit of their members).
- **Special responsibility allowance** may be paid to senior councillors – leader of the council, leader of the opposition, committee chairman. Only between 10–25% of the total amount may be paid in such allowances, no more than five councillors (or 33% of the councillors) may receive such payments and no single councillor may receive more than £7000p.a.

- Financial loss allowance may be paid only to persons carrying out approved duties who are not elected members.
- Travel and subsistence allowances remain and are not cash limited. But there may be no allowances for "party political duties".

Admission to meetings and rights to see official papers

Local authorities are nowadays more aware of the need for publicity. They are required by law to afford the press and public certain rights. Many, though, still have a love/hate relationship with the media (more hate than love), accusing them of misrepresentation, misreporting, trivialisation and sensationalism. For their part, newspapers often accuse councils of doing too much in secret.

The rights of press and public are covered by a number of Acts of Parliament – Public Bodies (Admission to Meetings) Act 1960, Local Government Act 1972, Local Government Planning and Land Act 1980, Local Government (Access to Information) Act 1985 and Local Government Act 1986.

The right to attend meetings and see documents of principal local authorities (all local authorities other than parish or community councils) are governed by the 1985 Act. The press and public are given automatic access to all council, committee and sub committee meetings unless the business is **confidential** or **exempt**.

"Confidential", which covers information supplied by government departments or matters where disclosure is prohibited by statute or the courts, means automatic exclusion. "Exempt", which principally covers personal and commercially sensitive information, matters in the course of negotiation, and issues protected by legal privilege, must be backed by a resolution, proposed, seconded and passed, to exclude press and public. It is not sufficient for the resolution just to say that disclosure of the information would be prejudicial to the public interest – it must give a reason.

Copies of agenda papers and reports must be available at meetings. Councils must not consider any matter not on agendas open for inspection for at least three days before the meeting, unless the chairman rules that the matter is urgent. A charge may be made for background papers. Public registers must be kept showing names and addresses of councillors with their committee membership. Registers must show powers delegated to officers.

When meetings are open, the local authority must provide reasonable accommodation for press and public. Lord Widgery, the then Lord Chief Justice, said that if a committee was minded to choose to meet in a very small room and turned round and said the public could not be admitted because there was no room, it would be acting in bad faith and it would not be beyond the long arm of the court. He said: "The committee must in the first instance so organise its affairs as to recognise its obligation to the public". It has been held, however, that if, because of widespread public interest, there is not enough room for both press and public, the press may be admitted and the public excluded. But a committee has no power to admit the public while excluding the press.

The Department of the Environment has advised local authorities against imposing embargos. It has urged them to be as helpful as possible to the press.

Reporters must be given as far as is practicable, reasonable facilities in which to work at a council or committee meeting. There is no statutory right for taking photographs.

The rights to attend and see documents of **parish or community councils** is governed by the 1960 and 1972 Acts. The press and public have the right to attend full council and committee meetings but not sub committee meetings. They may be excluded only if a resolution to exclude them is proposed, seconded and passed. The grounds for such a resolution are if the members believe "publicity would be prejudicial to the public interest" or "because of the confidential nature of the items to be discussed".

Press and public have the right to see agendas and minutes. There are no rights as far as other documents and reports are concerned: councils may make these available as "they see fit or think necessary".

General facilities to be provided for press and public are the same as explained above for principal local authorities.

General information

In addition to the rights explained above, councils have a duty to make certain other information available to their electorate. The government has made it clear the same rights should be afforded to the press.

This information concludes:

- Three days notice of meetings open to the press.
- Agendas and minutes of council meetings.
- Register of planning applications.
- Record of payments to councillors.
- Local government commissioners' (ombudsmen's) reports of a complaint of maladministration by the authority.
- The annual accounts.
- General financial information.
- The annual report.

The last two items deserve looking at in more detail. The Department of the Environment has issued codes of practice relating to both. The first relates to information which should be sent out with the annual Community Charge demands – the code suggests that the accompanying material should give details about the way the charge is made up and the reasons for any change from the previous year.

Community Charge Demands are, of course, issued by district councils. It is common for the accompanying material to point out that a large percentage of

the charge is devoted to county services – education, social services, and roads for example.

On the **annual report**, which outlines all the authority has done in the 12 months under review, the code says it should make it possible for ratepayers to judge the efficiency of their own local authority by comparison with other, similar authorities.

Those in local government argue that the use of comparative statistics can be, at best, misleading and at worst highly contentious.

Annual reports, like the standard of services, vary enormously from authority to authority. Some councils spend a lot of money publishing glossy, highly professional reports; others do it on a very low budget. Many argue that the limited public interest does not justify a big expenditure. Despite these reservations the annual report can provide useful stories for local newspapers.

Press and information services

Many local authorities, particularly larger ones, have recognised the need for better publicity and have done more than they have to by law. They have accepted the *Bains Report* recommendations and appointed press and information officers and public relations officers. In addition, many produce their own newspapers or information handouts.

Press and public relations officers are often seen by the press as both a help and a hindrance. But it must be remembered they are appointed and paid by their authorities: their principal allegiance must be to their employers.

Their job is to keep press and public informed and to promote the work of their authority. The good ones will not stop at just issuing press releases: they will stress the positive side of the authority's work, act as a source of inspiration, suggest and inspire human interest stories, and put inquiring journalists in touch with the technical experts who can answer their questions.

Unfortunately, though, some press officers regard themselves as the rightful spokesmen for their authority, often appearing as a barrier between the press and the officers and members. This can easily be put right as far as the members are concerned. If you have difficulty in talking to officers, the best remedy is for your editor to talk to the chief executive – if they are on speaking terms. The efforts of local authorities to publicise themselves received a set-back with the Local Government Act 1986, which prohibits them from publishing anything designed to affect public support for a political party or anyone identified with a political party.

Information now issued by local authorities must be concerned with their functions. Authorities are also forbidden from using their discretionary expenditure powers for advertising.

In its interim report, the Widdicombe committee said public funds should not be used for party political gain. It proposed a statutory ban on publicity of a party political nature, and said local authorities should have to keep a separate account of their advertising and information expenditure.

Sir Lawrence Boyle, the distinguished former chief executive of Strathclyde Regional Council, in Scotland, issued a memorandum of dissent to the interim report. In it he said the government had a radically different view of the role of local government from the traditional one. It had taken steps by piecemeal legislation to alter that role, and was also seeking to alter the conventions. Local authorities, on the other hand, although popularly elected, were unable to fulfill what they saw as their proper role.

The Local Government Act 1986, based on the interim report, made significant changes. The Act prohibits local authorities in England, Wales and Scotland from publishing (or giving financial or other assistance to) material designed to affect public support for a political party or anyone identified with a political party.

In deciding whether material is legal, it is important to see whether a political party or anyone identified with a party are mentioned. Where material is published as part of a campaign regard must be paid to the aim of the campaign.

Existing powers of local authorities under the Local Government Act 1972 and the Local Government (Scotland) Act 1973 are restricted to providing information. Information must concern the functions of the authority. This replaces the previous general power to provide information on matters relating to local government.

The Secretary of State can issue codes of recommended practice to local authorities covering the style, distribution, cost and other matters to guide authorities on whether to incur expenditure on publicity. There may be a series of codes dealing with different kinds of publicity, different kinds of authority or the same kind of local authority in different circumstances or different areas, but there must be consultation, at least, with the local authority associations. Parliamentary approval of a code or of any subsequent revision to it is required by a resolution of each house. Any alteration must be laid before each house for 40 days for objections.

Separate accounts must be kept of expenditure on publicity, including joint boards under the 1985 Act, joint committees and parish councils.

Publicity is communication in any form addressed to the public or a section of the public.

Chapter Four

Local government finance

Identifies the sources of finance, including loans and lotteries, and the approximate proportion of each to the whole. Describes the operation of the community charge and uniform business rate, including the advantages and disadvantages. Describes the various types of grants and subsidies available from central government and the way in which they are apportioned. Defines and explains precepts and precepting authorities. Describes the work of the district auditor. Describes in outline capital expenditure. Explains the problems of local government finance. Describes the budget process. Lists EC regional funds available to local authorities.

Finance dominates the local government scene. There is usually a money angle to every major local government story, and the fiercest of political debates in council chambers and committee rooms are about competing priorities for spending.

It is easy to become wary of a world where figures of tens of millions of pounds abound. But if reporters keep their minds on the fact that newspaper readers are interested in the end result as it affects their pockets, not the complexities and details, then their task is really not that complicated.

Nonetheless, it is an area where good understanding will repay itself time and time again. An announcement that the government is to slash Oxdown's grants ought to bring a sparkle to the eyes, not a groan to the lips, of the knowledgeable reporter. Therein lies a host of leads – local politicians being embarrassed by their parliamentary colleagues, abandoned new school projects, old peoples' homes and road schemes might be cancelled and the possibility that local people will be asked to dig deeper into their pockets.

Covering local government finance at the moment is easier than it has ever been, because everybody is having to get used to the new system which came into force in England and Wales in April 1990. Indeed, before the system had run in England and Wales for a full year public pressure forced the government to commit itself to yet another review of local government finance and structure. Some believe that the structure part has been included to make any major changes in, or abolition of, the community charge appear less of a U turn. Further major legislation is not expected until 1993 at the earliest.

The community charge, which is widely known as the poll tax, introduced in April 1990 (1989 in Scotland) made a fundamental change in local taxation. Until 1990, a local property tax, or rate, was levied on all domestic and commercial properties; one charge was made on each property irrespective of how many people lived there. The charge was set by the local authorities and money raised was retained by the authorities. Hence the rates were an important source of locally determined revenue. The change replaced domestic rates with a community charge on most people over 18. The rating system still remains for commercial (non-domestic) properties, though the level of payment is set by central government, pooled nationally, and then redistributed back to each individual council on the basis of the number of adult residents in each local authority's area. Hence non-domestic rates cease to be a local tax and become a form of assigned revenue where central government hands over (assigns) a national tax to local government. The decision to abolish domestic rates was preceded by many years of debate and many now question the equity of the community charge. Rates had existed ever since the Elizabethan Poor Laws and a property tax is a common form of local taxation throughout the Western World. Clearly, the rating system had both advantages and disadvantages.

Advantages of the Rating System

1. It was a locally set and retained source of revenue providing about a third of the money for local government. This gave local authorities some independence.
2. It was administratively cheap to collect and was a predictable source of income – making budgeting simple.
3. It was difficult to avoid paying because it was based on immovable property.
4. It was a simple and well understood form of local taxation.

Disadvantages of the Rating System

1. Approximately 25% of the electorate paid rates and domestic ratepayers all received a small reduction; and those who could prove they could not afford rates received a means tested rebate. This, the critics argued, meant that the majority of the electorate were willing to vote in high spending authorities because they did not have to pick up the bill.
2. Rates based on property did not take into account ability to pay or the use made of services. The oft quoted example was two identical properties – one occupied by a retired couple on a fixed income, the other by a wage-earning family of four. Both paid the same in rates.
3. Industry and commerce paid just over half the rates bill, yet received no rebates or reductions. They were in no position to influence the type of authority elected by the local voters.
4. Since rates bills were based in part on the rateable value of the property, any sizeable improvement in the property led to an increase in the payment due. This could be seen as a disincentive to improve property.

SOURCES OF FINANCE

Councils now have five main sources of income:

- the community charge
- commercial rates
- government grants
- rents, fees and charges
- borrowed money

Otherwise, councils continue to run their financial processes very much as always; drawing up a budget, deciding financial priorities for projects, and culminating in a meeting to decide the level of local taxation – once called setting a rate, and now called setting a community charge.

THE BUDGET PROCESS

One basic task is to ensure a clear understanding of the difference between the two main forms of expenditure – capital and current (or revenue). There are different government controls over the ways finance is raised, and the budget process differs slightly, for both. Journalists will get in a dreadful muddle unless they are able to distinguish clearly between the two forms.

Expenditure producing short-term benefits in the same financial year is usually called **current or revenue expenditure**. Examples are wages, heating and lighting. If expenditure produces longer lasting benefits, eg. on new buildings and roads, it is usually called **capital expenditure** (or capital programme). Items to be treated as capital expenditure are defined by law. To illustrate the difference, expenditure incurred in building a new school is capital, but the normal recurring costs of operating the school, eg salaries and materials, is revenue. This is an accounting distinction. The council's financial year runs from April 1 to March 31. **Capital estimates** are usually planned three to five years ahead, because many large projects take some time to be completed and paid for. Revenue expenditure, however, is prepared in detail for only a year ahead.

The budget meeting to set the charges for the financial year ahead will take place in February and March and the process will have taken almost a year to reach this point. The key committee throughout is the policy and resources committee. It usually meets in June or July to decide a broad budget strategy; remember this will be for the next financial year starting April 1. The other committees will be asked to draw up revenue and capital estimates according to this broad strategy. This could be, for example, to aim for an overall reduction, or for a standstill or no growth budget, or for a planned percentage increase. Sometimes the policy and resources committee will ask committees to draw up plans based upon a whole range of such options, and not until later on in the year, perhaps even at the final budget meeting, will one of these strategies be decided.

The committees will therefore draw up their plans, with capital and revenue being separated, and there is often good copy when councillors resist requests to curb their enthusiasm for new projects they consider vital to the community.

Throughout the process, numerous estimates will be given as to how much the various options will cost the community and the effects on services. This too makes good copy, but remember they are merely projections at this stage. The committee deliberations are reported back to the policy and resources committee, which might adjust the broad strategy when in December the extent of government financial support is announced. In January or early February the committees draw up their final draft estimates for revenue and capital expenditure.

These estimates are brought together at a policy and resources committee meeting in February/March. This meeting will determine contingency levels (to cover inflation, pay awards and unforeseen expenditure) and estimate the level of cash balances.

Finally, the policy and resources committee will recommend to the full council at a special charge-fixing meeting in February/March, policies to be carried out and the community charge required to finance them. This is likely to be approved, although possibly with some modifications and often after highly political debate. The meeting is an unusual one with a limited agenda, specifically to approve the estimates and set the community charge. The leader of the council and the leaders of the opposition parties make long, prepared speeches. Once estimates have council approval they become the spending programmes of individual committees. The budget is the prime system of management control. It is possible during the financial year for a committee to transfer money from one scheme to another – this is known as **virement** and is generally subject to council or individual committee approval.

If a committee wishes to exceed its authorised spending amount, it must apply to the policy and resources committee and the full council for a **supplementary estimate**. The money is found from balances, savings or underspendings. The Local Government Finance Act 1982 removed the right of a local authority to increase its precept or charge during the financial year by levying a supplementary precept or charge. It may, however, introduce a lower substitute charge.

The Rates Act 1984 introduced "**capping**" which is a limit on authorities regarded as spending too much. It also gives the Secretary of State for the Environment (and the Secretary of State for Wales) the power to "cap" all authorities after parliamentary approval. The Local Government Finance Act 1988 made similar "capping" provisions for the community charge.

COMMUNITY CHARGE

The community charge is a local charge on adults paid on a daily rate.

The districts, the metropolitan districts and the London boroughs are the **charging authorities**. They set and collect the community charge. However, the county councils, the joint boards and the parish councils also require money from the community charge to help finance their services. They are known as the **precepting authorities**. In fact the counties require far more money than the districts because they provide more expensive and extensive services.

The counties, parishes and joint boards, therefore, charge a **precept** which is added to the district charge and collected by the districts on behalf of the precepting authorities.

Example:

Oxdown Borough Council £70 community charge +
Oxshire County Council £400 precept
= £470 total community charge

There are three types of community charge:

Personal The personal community charge is payable by almost all adults to the local authority in whose area they have their sole or main residence. Husbands and wives, and men and women living together as husband and wife, are jointly liable for each other's community charges, provided that both partners are over 18.

Students on higher education courses will not be exempt from the community charge but they are entitled to an 80% reduction on the charge. Students pay their reduced charge to the charging authority for the area where they are studying for the whole period of the college or university course. Those adults who can prove they cannot afford the community charge receive a rebate up to a maximum of 80%. This is known as **community charge benefit** and is administered as part of the housing benefit scheme.

Standard The standard community charge is payable by owners or leaseholders of properties which are not their main residences, including holiday homes and empty houses. Each charging authority decides, within parameters set by the Government, the standard community charge for different classes of property in its area. This will be 0; 0.5; 1; 1.5; or 2 times the personal community charge.

Collective The collective community charge is payable by the landlord of a property designated by the Community Charge Registration Officer (CCRO) as one on which a collective community charge is payable. The CCRO designates collective community charge properties when the turnover of residents is so fast that it would be impracticable to collect the personal community charge from them individually – eg hostels.

There are a limited number of exemptions from payment:

- Young people over 18 years of age for whom child benefit is payable because they are still at school, or who are on non-advanced courses at school or further education.
- People who live in long stay hospitals, nursing homes, residential care homes such as local authority homes for the elderly, and hostels providing a substantial level of care for their residents,
- People who are severely mentally handicapped,
- Monks and nuns,
- Foreign servicemen, foreign diplomats and their families.

Community Charge Registration Officer

The districts, metropolitan districts and London boroughs each have a community charge registration officer who draws up the **community charge register** showing the names and addresses of those who have to pay the charge.

The register must be kept up to date. The community charge registration officer canvasses all properties and consults other records to decide who should pay the charge and appear on the register. Those on the register must inform the CCRO when they move. Failure to provide the information required or the provision of inaccurate information will lead to a civil penalty. Appeal against this penalty may be made to the **Valuation and Community Charge Tribunal**.

The register contains the following information:

1. The name and address of the community charge payers.
2. The type of community charge payable.
3. The date the first payment became due.
4. The date the last payment became due.

All community charge payers can see their own full entry and an edited version giving the name and address will be publicly available. Those who feel at risk as a result of the publication of this information may ask to have their names omitted from the public version.

The Product of a £1 Community Charge

The product of a £1 community charge is the amount the local authority estimates it can raise in its area by charging a £1 community charge. It is worked out by multiplying the number of community charge payers by £1. The treasurer will use this figure to estimate how much a project will cost the charge payers.

For example: If Oxdown has 100,000 community charge payers the product of a £1 community charge will be: $100,000 \times £1 = £100,000$. If a scheme is to cost £210,000 each community charge payer will pay: $210,000 \div 100,000 = 2.1 = £2.10$.

Community charge payers receive a bill and it is assumed they will want to pay in ten monthly instalments. Failure to pay the charge can lead to seizure of assets or an attachment of earnings or benefits. The bill will show how much is required by each council, ie county, district and parish, and how much is being contributed by industry and by the government in the form of grants, culminating in the annual amount required of the individual. The bill will also include a statement showing what the community charge would have been if the local authority had spent at the level the Government believed necessary (Community charge for standard spending).

To ease the burden of introducing the community charge there is a "safety net" for authorities who are the worse off as a result of the changes. This will be phased out over the period to 1996. For the first year (1990-91) the safety net was financed by deductions from government grants of funds which would otherwise have been paid to better-off areas. This caused an uproar from authorities who felt that they had been prudent and now had to bail out

extravagant neighbours. As a result the government will from 1st April 1991 bear the whole cost of the safety net provisions.

Transitional relief also exists for the first three years for those community charge payers who face a major increase as a result of the change from rates to community charge. The relief (reduction) is based on a calculation of what their rate's bill would have been had their local authority spent according to Government guidelines.

The Mechanics of the Community Charge

The mechanics for setting the community charge are quite simple.

$$\text{Community Charge} = \frac{\text{amount the local authority intends to spend} - \text{non community charge money}}{\text{product } \text{£1 community charge}}$$

Non-community charge money is all the money the local authority will obtain from sources other than the community charge (government grants; non domestic rates; rents, fees and charges; borrowed money). Hence the community charge for a district council with a product of a £1 community charge of £100,000 which intends to spend £12m and estimates it will receive £9m in non community charge money will be:

$$\frac{\text{£19m} - \text{£12m}}{\text{£100,000}} = \frac{7,000,000}{100,000} = \text{£70}$$

UNIFORM BUSINESS RATE (NON DOMESTIC RATES)

Uniform business rates are a property tax paid by occupiers of commercial and industrial properties but are no longer a local tax. They are set by central government and collected by the charging authorities who hand them over to central government. The government then redistributes the money to local authorities in proportion to their adult population.

Some non-domestic properties such as churches or agricultural land or buildings are not rated. Charitable buildings can receive a reduction.

Those properties which are rated are given a **rateable value** by a **valuation officer** who is employed by Inland Revenue. His figure is based on what the property could have been let for in 1988. It is possible to appeal against his valuation to a **Valuation and Community Charge Tribunal**. Central government then sets the **non - domestic rating multiplier** which is levied on the rateable value of the individual properties. A common rate is set for England and another for Wales. The Government has said it will not make the annual increase above the rate of inflation. Properties will be revalued every five years - the next revaluation is due in 1994.

For example: A shopkeeper whose shop has a rateable value of £4,000 with a multiplier of 30p will pay: $4,000 \times 30\text{p} = 120,000 \text{ pence} = \text{£1,200}$.

Many non-domestic ratepayers faced massive increases because the previous revaluation of their premises had taken place in 1973. A transitional relief scheme

similar to that for community charge payers exists to ease the burden of non-domestic ratepayers, but this did not prevent an outcry against the new charge.

Before 1990, domestic properties were taxed on a similar system, based upon a theoretical value of the annual rent the property would attract. Rateable values for domestic properties are being retained to calculate the water rates for at least the foreseeable future, except for properties with water meters. Water rates are completely separate from local authority expenditure and mainly cover the costs of water supply and sewerage provided by the privatised water and sewerage companies. (see Chapter 11).

GRANTS

Central government gives grants to local authorities. Grants contribute about 40% of finance for local government, and come in two main forms:

Specific grants – to help pay for specific revenue and capital schemes;

General Grants – to pay for general running costs.

The government grants are given for three reasons:

- To help poor areas
- To reduce the cost of a service which is either spread unevenly across the country or which is of benefit to the nation as well as the local authority (eg coastal defence, police)
- To help fund a service when central government has laid down specific requirements, (eg fire service).

The major grant introduced in 1990 is called the **Revenue Support Grant** (RSG) – sometimes called Standard Spending Grant – and is a general grant. Its distribution is based upon a complex formula, calculated upon a number of factors, such as road mileage, and numbers of properties and school children, and total population. Payment will differ between England and Wales; in England it will all be paid to the charging authorities who in the shire counties will have to pass most of it to the county councils. In Wales, the counties and districts will get the money separately.

To calculate the grant for each area, the government works out how much it will cost each authority to provide a national level of service per adult – called **assessed spending need**. If all authorities were to spend at this level, then, in theory, the community charge would be the same all over the country, and the government works out what this level would be. This is being referred to as the “standard” community charge which should not be confused with the standard community charge levied on empty properties and second homes. The grant each authority will receive is then calculated on the difference between the assessed spending need, and the amount which the authority will receive through the national non domestic rating system together with the assumed income at the level of the “standard” community charge.

For example:

Oxdown District Council (population 100,000)

Needs Assessment

For district	£5m
Proportion of Oxshire	<u>£95m</u>
Total needs assessment	£100m

Income

National Non Domestic Rate	£20m
"Standard" charge of £300 per head x population of 100,000	<u>£30m</u>
Total assumed income	£50m

The shortfall between the Needs Assessment and calculated income is therefore £50m, which will be the level of Revenue Support Grant and Oxdown will have to pass on a substantial percentage to Oxshire.

The Revenue Support Grant is meant to adjust for different needs between different areas. If it works as it is designed to, then if all local authorities spend at the level the Government believes necessary and if all local authorities raise sufficient from rents, fees and charges, the Community Charge they will need to set should be the same across the country.

RENTS FEES & CHARGES

Local government charges for many services – council house rents, leisure services, collection of trade refuse, car parking, further education and so on. This is becoming a greater source of revenue because it is directly linked to the use made of the services.

CAPITAL EXPENDITURE

This is spending on items which will last a long time – roads, buildings, lorries, computers and so on. Estimates for such expenditure are drawn up separately from the revenue estimates and will look some years into the future.

From the 1st April 1990 the Government has made a major change in the way it controls capital expenditure by switching to a system that controls borrowings rather than expenditure. An authority can spend up to its Aggregate Credit Limit set by the Government but cannot exceed it. This limit is calculated by reference to outstanding loans and credit agreements, less provision for their repayment, at 1st April 1990. It is increased by any new credit approvals issued by the Secretary of State and reduced by repayments. The credit approvals an authority receives in any year can be increased by up to 50% of any **capital receipts** (money raised from the sale of other assets). This figure is reduced to 25% for money raised from council house sales. The balance of any capital receipts must be used to repay debt.

The local authority has then to finance the schemes itself using one of the methods outlined below:

- Borrowing
- Using revenue sources (community charge, revenue grants, rents and fees)
- Capital receipts (money raised from selling other assets). The Government favours this method but believes that it should also be used to pay off old debts.
- Capital grants (grants from Central Government) e.g. Transport Supplementary Grant.
- Private sector money by entering into a joint venture with a private company.

With the exception of the last two sources, all methods of financing capital expenditure will cost the local authority money and the joint venture is likely to require some money up front.

- If it borrows it will have to pay interest on the loan and repay the loan over a number of years.
- If it uses its revenue sources there will be a direct and immediate cost.
- If it uses capital receipts it loses the interest it would have got had it kept the money raised from the sale in the bank. The cost of such financing falls upon the revenue budget and is usually referred to as the revenue implication.

Why do Local Authorities Borrow?

Local authorities borrow to fund capital expenditure for a number of reasons:

- It is fairer that all those who will gain benefit from the item should contribute during its lifetime, rather than those who were in the area when it was acquired
- It makes economic sense at time of inflation to pay back with devalued money. However, with current high interest rates borrowing is very expensive.

Where do Local Authorities Borrow?

Local authorities may borrow from the public and private sectors. They can borrow from:

The Public Works Loan Board (run by the National Investment Office). This is the main source of government (public) money.

The Money Market. The financial institutions in the City of London provide loans for local authorities.

The Stock Exchange. Local authorities may float stock but this is very rare, as is the issuing of local bonds to small investors.

The European Community.

Lotteries

Profits from lotteries may be used to finance small projects specified in the

terms of the lottery. The money may also be used to finance revenue expenditure. Lotteries were never a major source of money and fewer and fewer local authorities are now running them.

European Economic Community

Local authorities may apply for grants and loans from the EC regional and social funds, the European Coal and Steel Community and the European Investment Bank. In most cases applications have to be made through central government. Grants are only payable to areas designated by central government as "assisted areas" (ie areas with particularly high unemployment). In addition, grants must be matched pound for pound by central or local government. The total available is small, but some authorities are skilful at obtaining a large share of what there is. All governments, however, reduce local authority capital allocations to take account of EC money.

The European Regional Development Fund, set up in 1975, is the biggest source of EC aid for British local authorities. Its purpose is to correct regional imbalances in the community. The regional fund is divided up into national quotas. Applications are submitted by national governments - in the UK the Department of the Environment and the Welsh, Scottish and Northern Ireland offices select the local authority projects most suitable for submission. The fund can meet up to 30% of the cost of infrastructure projects which contribute to the development of a region.

Help is also available from the **European Social Fund**, which is an employment fund originally established under the Treaty of Rome, to meet the costs of training and retraining in specified categories. Most schemes receiving assistance from this fund are operated by the Training Agency but there has been an increase in the number of local authority projects receiving money.

ANALYSIS OF THE CHANGES

Supporters of the community charge argue that:

1. All adults pay towards local authority services. This should increase interest in local elections, and make local government more accountable.
2. It is a flat rate charge for services and not a tax. This is fairer than domestic rates and those who cannot afford to pay get rebates.
3. It is simpler to understand than rates.
4. National non-domestic rates mean that industry is not penalised by high spending authorities. They are able to plan ahead because any increase will not be above the rate of inflation.
5. The Revenue Support Grant should mean that if local authorities follow government guidelines the community charge will be the same across the country.
6. The new capital expenditure controls are an effective economic regulator and help local authorities to plan their capital programmes.

Critics of the community charge say:

1. It is not related to ability to pay – the editor pays the same as the new reporter
2. It is an administrative nightmare – the register is costly to set up; can infringe civil liberties and the charge is very expensive to collect.
3. Being based on people, rather than immovable property, invites avoidance; its yield is unpredictable, making budgeting difficult for local authorities.
4. National non-domestic rates mean that government controls another source of local government money and as a result influences some 70% of local authority revenue.
5. The Revenue Support Grant does not adequately compensate for differences in need.
6. The capital expenditure controls further increase central government power.

AUDITING OF LOCAL AUTHORITY ACCOUNTS

The accounts of all local authorities are subject to intensive internal and external auditing. Internal audit is carried out by a division of the treasurer's department. The Local Government Finance Act 1982, set up the **Audit Commission** appointed by the government for external auditing.

The Audit Commission has taken over responsibility for the district audit service from the Secretary of State for the Environment (Welsh Office). The Commission members are appointed by the government from local government and from the private sector. It has the power to appoint auditors to every local authority in England and Wales, either from the commission's own staff or from "approved" auditors in the private sector.

Apart from the normal audit practice of ensuring the accuracy of records, the auditor is required to ensure that the authority has made proper arrangements for securing "economy, efficiency and effective use of resources".

The auditor has to make a report when the audit is complete. If any item is contrary to law the auditor may apply to the courts for a declaration of its illegality (i.e. that the local authority acted *ultra vires* or acted unreasonably), but cannot do this if the item has been sanctioned by the Secretary of State.

The courts may order unlawful expenditure to be repaid wholly or in part by those who authorised or incurred the expenditure. The auditor has a duty to report any income not brought into account, or any loss or deficiency resulting from wilful misconduct. This is to be recovered from the person responsible. In 1986 80 Liverpool and Lambeth councillors were charged £8,000 each for wilful misconduct because they had failed to set a rate by April.

Any member who has to repay more than £2,000 is disqualified from membership of the authority – if it is due to wilful misconduct the disqualification is for five years. But no court order can be made if it can be shown the person responsible acted reasonably or believed the expenditure to be lawful. The courts also have to take account of a person's ability to pay.

An officer or member of a local authority can be required to give information or explanation to the commission or anyone authorised by it. Failure to comply can lead to summary conviction and a fine not exceeding £200, and to an additional fine not exceeding £20 for each day the offence continues.

The commission can order an extraordinary audit of any local authority's accounts at the request of an elector for the area following an earlier report, or if the Secretary of State thinks such an audit would be in the public interest.

The Secretary of State can specify how authorities keep accounts, how they publish them, and public inspection rights (see Chapter 3).

The Audit Commission also promotes work on value for money and efficiency, including comparative studies of performance.

Chapter Five

Control of local government

Explains the reasons for control and the effect of such control. Describes the legislative control by Parliament. Describes the administrative control by central government. Describes the financial control by central government. Describes the judicial control by the courts. Explains the role of local government commissioners.

Reasons for controls

When the Labour Party gained control of the (now abolished) Greater London Council at the May 1981 elections one of its first steps was to implement its manifesto promise to introduce a heavily subsidised cheap fares scheme for London Transport. To make huge reductions in fares the council had to levy a supplementary precept on all the London boroughs.

This was challenged in the high court by the Conservative-controlled London Borough of Bromley. Its application to quash the supplementary precept, and for an injunction to prevent London Transport operating the new fares structure, was rejected, but this decision was overturned by the Court of Appeal, who held the GLC's action to be **ultra vires** (beyond its powers). The Court of Appeal's ruling was confirmed by the House of Lords.

This is the most important recent example of the control of the actions of local authorities by the courts. This can be held to be either an example of the courts acting to protect individuals against an unreasonable local authority, or of judges overturning perfectly proper decisions by democratically-elected local representatives.

Judicial control is only one of many controls: the others are **legislative control** by parliament, and **administrative and financial control** by central government.

Control over local government has increased greatly in the last decade. Legislation has been introduced giving the government power to prohibit

excessive community charge increases, limit the use of capital receipts and prohibit political advertising.

Legislative control

Almost every piece of legislation passed by Parliament affects local authorities in some way, either adding to or taking away from their powers. Private Bills sponsored by local authorities are, of course, subject to rejection or amendment by Parliament.

There are three types of Act – mandatory, adoptive or permissive.

A **mandatory Act** compels a local authority to take certain action, like selling council houses under the Housing Act 1980. This is a particularly good example as it provoked a lot of opposition from Labour-controlled authorities.

The Secretary of State for the Environment considered that a number of authorities had been too slow in processing sales. In particular, he singled out the City of Norwich and gave notice that he would take over administration of the sales there.

The city sought an order in the high court quashing this intention, but this was rejected, a decision later confirmed by the Court of Appeal. The Secretary of State then sent a civil servant to oversee sales in Norwich.

The previous big revolt by a Labour authority was in 1972 when Clay Cross Urban District Council refused to raise council house rents as required by the Housing Finance Act 1972.

The members of the Clay Cross council were surcharged and disqualified from membership, and the Secretary of State sent in commissioners, who were civil servants, to act on his behalf at the council's expense.

An **adoptive Act** is one which gives a local authority power to carry out a function but which needs a resolution by the authority to adopt the Act before it applies.

A **permissive Act** is one which gives a local authority discretion over taking on new powers, generally minor ones.

There are many reasons for these controls, the first being that local authorities have no powers except those granted by Act of Parliament.

They can exercise a subordinate legislative function by making **by laws** (subject to controls). A by law is a local regulation governing such matters as the use of a municipal park or library. Model by laws are suggested by the Department of the Environment but each authority can frame its own, subject to the approval of the department.

If they wish to extend their powers they must get a local Bill through Parliament. These are also known as private Bills. There have been many good examples of local authorities using local Act powers to introduce a new enterprise. One of the better known is the Birmingham Corporation Act 1919 which set up the Birmingham Municipal Bank.

The exception is the freedom to spend an amount per head of population (£2.50 counties and districts; £5 metropolitan districts and London boroughs) on

anything for the benefit of their area provided that the benefit received is commensurate with the expenditure. The Local Government Act 1986, restricted the use of this **discretionary money** on publicity. It forbids expenditure on any material which sets out to affect public support for a political party, or anyone identified with a political party. This opens up a whole new legal minefield.

The need for some measure of central control cannot, in general, be refuted. Many local services have national characteristics. It would be unthinkable if the standard of education and of new housing varied too widely from area to area. It is only reasonable to ensure at least minimum national standards of fire protection, traffic control and building controls.

Another reason why central government has such an important say in local affairs is that it provides around half of all local government income through grants. This financial stake must give it some influence.

Administrative control

This is exercised by central government departments, who are generally concerned with seeing that minimum standards of service are maintained throughout the country.

Ministers and departments do not have overall detailed control of the work of local authorities, but a number of Acts make provision for supervisory powers.

For instance, the Education Act 1944 requires the Secretary of State for Education and Science "to secure the effective execution by local authorities, under his control and direction, of national policy for providing a varied and comprehensive educational service in every area". This is achieved through school inspectors.

The Local Authority Social Services Act 1970 laid down that "local authorities shall, in the exercise of their social services functions, including the exercise of any discretion conferred by any relevant enactment, act under the general guidance of the Secretary of State".

Central departments also have the power in some services, notably the police and fire, to inspect and ensure operational efficiency.

Other legislation requires local authorities to submit schemes for the development of services, like those they were required to bring forward for the introduction of a comprehensive system of education.

Ministers can act in a quasi-judicial manner, acting as arbiters in disputes between local authorities and individuals. This occurs most commonly in planning, where individuals may appeal to the Minister against a decision of the planning authority. An inquiry will be held followed by a ruling on the dispute.

Other powers enable a Minister to act if an authority is not discharging a function properly. Alternatively, he may, in such circumstances, appoint commissioners to act in place of the authority, as at Clay Cross (see above).

Financial control

Financial controls were increased by the Local Government Finance Act 1982, which removed the power to levy supplementary rates or precepts. It forbade an authority to increase its rate or precept during the year but allowed a substitute rate or precept at a lower figure.

Further controls came with the Rate Act 1984, which gave the Secretary of State for the Environment power to limit the rates levied by specified authorities (or all authorities after Parliamentary approval). This power has been extended to community charges. In addition, the Government now controls money from the uniform business rate and can control borrowing and the use of capital receipts.

Judicial control

The Greater London Council's action in drastically reducing fares and increasing its precepts on the London boroughs was successfully challenged in the courts on the grounds that it was beyond its powers (*ultra vires*).

The courts can also be used to compel a local authority to carry out its statutory duties. In this case an application is made to the high court for an order of **mandamus**, which orders the carrying out of a public duty. Mandamus cannot, however, be used to compel a local authority to carry out a permissive or discretionary duty.

Two other judicial remedies against local authorities are **prohibition** and **certiorari**, which can be used against them when they act, or propose to act, without jurisdiction, or are in breach of natural justice.

A case of an authority acting in breach of natural justice was *Ridge v Baldwin*, where a sacked chief constable had his appeal upheld by the House of Lords because he had been given no particulars of the case against him and had no chance to make representations before the disciplinary committee.

Declarations and injunctions are further legal remedies against local authorities. An action for either enables the legality of an act or decision of a local authority to be tested in the courts.

A declaratory judgment is a finding by the court on a question of law or rights; an injunction is used to stop an authority doing something, or requiring it to do something.

An individual who wishes to take out an injunction against a local authority must ask the attorney-general to take the action. The action will be at the individual's expense. Individuals may also take action against local authorities for negligence. Authorities may be held to be responsible for any action, or lack of action, by them or their employees.

Local government ombudsmen

The Commissioners for Local Administration (local ombudsmen) were established in 1974. There are three in England, and one each for Wales, Scotland and Northern Ireland.

The ombudsmen can investigate administrative decisions, but not policy decisions, of a local authority (not a parish or town council), police authority, national park authority, new town development corporation (in respect of its housing functions), urban development corporation (in respect of its development and control functions). But they cannot investigate subjects that affect the majority of the inhabitants, contractual matters, personnel, a number of educational matters involving schools, and anything in which a person has the remedy of an appeal to the courts or to a Minister.

Anyone wishing to complain about maladministration by one of the authorities mentioned above may make a direct approach to the ombudsman.

When an ombudsman receives a complaint there are usually informal talks with the authority before making a decision on whether or not to investigate. Once a decision to investigate has been taken, an authority has 14 days to provide formal comments. An investigating officer will talk to the complainant and then study all relevant records (papers must be made available) and interview councillors and officers. All investigations are private.

There are three findings open to an ombudsman when making the report: no maladministration; maladministration but no injustice; or maladministration causing injustice. The report may recommend how the matter should be put right.

One copy of the ombudsman's report goes to the complainant, one to the authority complained about, and one to any other person named in the report. The authority must make the report available for public inspection – it has to advertise this in the local press. Copies of the report are also made available to the press (unless the Ombudsman rules the matter should be kept private, which is rare), but people involved in the complaint are not named in the press copies.

If the report criticises an authority, it has to consider it and tell the ombudsman what action it has taken or how it proposes to put the matter right. It may say it intends to take no action, or the ombudsman may not be satisfied with the action proposed. In either case there is a duty to issue a second report, but there the powers end. An authority cannot be made to take the proposed action or, indeed, to take any action at all, but in the majority of cases agreement is reached.

This lack of power has worried many people. They believe the ombudsmen should be able to force authorities to remedy any maladministration. But the ombudsmen remain toothless.

The Commission for Local Administration is paid for by local authorities.

Chapter Six

Local Government and Housing

Lists the responsibilities of those local authorities defined as housing authorities, including homelessness. Explains in outline housing finance including rents, housing subsidies, improvement grants and housing benefits. Describes the relationship of local housing authorities with the private sector and housing associations. Lists the functions of rent tribunal, rent assessment committee and rent officer.

Responsibilities of housing authorities

Council houses – and council tenants – have always been a rich source of news. In the early days of council house provision, when some of the country's worst slums, legacies of the industrial revolution, were being swept away, there were stories of tenants keeping coal in the bath.

After World War II, the "scandal" was the number of council tenants who had television sets. Later it was the number who had cars.

There have been countless stories about bad design and construction; about the problems of living on large estates and in tower blocks; about vandalism and violence.

In 1972 the former Clay Cross Urban District Council refused to put up rents when directed to do so by the government. This resulted in a commissioner being sent in to administer the housing department. More recently a commissioner was installed at Norwich because of delays in selling council houses to tenants given the right to buy by the Housing Act 1980.

Housing is never free from controversy. There is a constant stream of new legislation adding to what local authorities can, must, or cannot do. Central control, as in many fields, becomes much stronger all the time.

The 1988 Housing Act represented a major shift in the position of local authorities with regard to the provision of housing. The function of local authorities changed from being mass providers of affordable rented housing to operating mainly a strategic and enabling view i.e. helping other agencies to provide housing and advising them as to what type of housing is needed. Local authority tenants have been given the right to choose an alternative landlord (the so-called 'tenants' choice' provisions of the Act) with the Housing Corporation

(see below) playing a key role in this process. In brief then the Government wants to see a move away from large-scale local authority provision of housing to a 'more pluralist and more market-oriented system'.

There has been an enormous change in housing provision in recent years, mainly through the big increase in owner occupation. This now accounts for some 63% of housing, with local authorities owning 24% of the stock, Housing Associations 3%, with 7% being owned by private landlords. These proportions vary greatly from area to area.

The main housing authorities are the London boroughs, the City of London, metropolitan districts and districts. In addition, county councils have certain reserve powers.

Provision of housing

The 1957 Housing Act made it a duty of housing authorities to consider local housing conditions, and the need to provide further housing.

The same Act gave housing authorities the power to provide housing by buying land and building on it; by buying houses; and by converting or improving houses bought by them.

Local authorities can also provide land for development by private builders and can give assistance to housing associations and housing co-operatives.

When housing authorities build houses and flats to rent, they can also, with the consent of the Secretary of State for the Environment, provide shops, recreation grounds and other amenities. They can also sell furniture to tenants and provide facilities for tenants to do their own laundering and catering.

Local authorities have a wide discretion in selecting tenants though they must give preference to those in insanitary or overcrowded houses, and to large families living under unsatisfactory conditions. Most authorities have a scheme, awarding points for factors constituting "housing need" and giving priority according to the total.

The security of tenure offered by the 1980 Act means that if a local authority wishes to terminate a tenancy for any reason it has to obtain a court order for possession – there are only limited grounds for obtaining such an order, e.g. failure to pay rent or causing a nuisance to neighbours.

When a tenant dies, the tenancy can pass to the surviving spouse or another member of the family who has been living there for at least 12 months. However, if the council considers the property is more extensive than is reasonably required by the successor it may seek a possession order provided notice has been served between six and twelve months after the date of the previous tenant's death. The Court will order possession if it considers reasonable and suitable alternative accommodation is available.

The security of tenure offered by the 1980 Act remains unchanged in the Housing Act 1985 which is essentially a consolidating act for previous housing legislation.

Housing authorities are required to consult tenants on housing management matters that will affect them and to consider representations from tenants before making major decisions.

The right to buy their home was conferred on council tenants by the 1980 Act. Many councils previously sold homes willingly to tenants, but now they have to. This has caused a major political storm, with, principally, Labour authorities objecting to this provision.

The right to buy now applies to tenants who have been in residence for at least two years. There are some exceptions to the general rule, e.g. sheltered housing for the elderly.

Tenants wishing to buy their homes also have the right to a mortgage from the council. They are entitled to a discount on market value of up to 60%, depending on the length of tenancy – in the case of flats, the Housing and Planning Act increases maximum discount to 70%, but the selling price must not be below a figure determined by the Secretary of State for the Environment. This is known as the “cost floor” rule.

A purchaser of a council house must repay part of the discount if the house is sold within three years.

If the Secretary of State believes an authority is not meeting its statutory requirement of allowing tenants to buy their property, a commissioner can take over these functions. Any costs involved will be charged to the council.

Housing the homeless

Housing authorities have a statutory duty to provide housing for the unintentionally homeless and for those threatened with homelessness.

A code of guidance issued with the Housing (Homeless Persons) Act 1977 (now part 3 of the Housing Act 1985) lays down the priority groups of homeless people for whom local authorities must ensure accommodation is available; those with dependant children; those made homeless by an emergency or disaster; elderly, handicapped and vulnerable people and pregnant women and their households. They do not have to be housed immediately in permanent accommodation but the code of guidance says this should be secured as soon as possible.

Local authorities frequently use short-life and bed-and-breakfast or hostel accommodation in the early stages of provision for the homeless.

Local authorities do not have to provide housing permanently for people who have made themselves intentionally homeless – some people do this because they want to move from one area to another – or for those who normally live outside the authority's boundaries. But if the intentionally homeless fall into any of the priority groups listed above, local authorities must give advice, assistance and at least temporary accommodation.

If people think they have been wrongly designated as intentionally homeless they can sue the local authority for damages for breach of statutory duty.

Maintenance and unfit housing

Quite apart from the provision of new housing, local authorities have considerable powers and duties regarding the maintenance and improvement of existing housing. They do, of course, have a continuous programme for their own housing stock, but most of their work under this heading comes in the private sector.

A national repair-it-yourself scheme for council tenants came into operation on 1 January 1986. This enables them to carry out certain repairs which are the responsibility of the housing authority and to reclaim the cost. However, the procedure is complicated and the "right to repair" is little used.

In many cases action against landlords is taken under the Public Health Acts. This is one reason why many councils have a combined housing and environmental health department. The activities of a housing department impinge on all the rest of a council's services, but nowhere so much as environmental health.

The most important of the Public Health Acts as far as housing authorities are concerned is the Public Health Act 1936. They have a duty to inspect existing buildings in their area to detect statutory nuisances.

These include premises prejudicial to health. The 1936 Act gives authorities the power to make landlords remove the nuisance. The Housing Act 1985 also gives considerable powers to deal with houses that are "unfit for human habitation". Matters taken into account are: state of repair, freedom from damp, natural lighting, ventilation, water supply, and drainage and sanitation.

In the case of individual unfit houses, an authority can require a landlord to carry out the necessary work, or it can make a **demolition or closing order** on all or part of the premises. Authorities can buy unfit houses or carry out the necessary work and recover the cost from the owner.

Before making a demolition or closing order, the authority must give the owner a chance to give an undertaking to carry out the required work. When an order is made, the authority has to re-house the occupier unless alternative suitable accommodation is available, and may have to pay compensation to the occupier.

Housing authorities can also take action against unfit housing on an area basis. They can undertake, or require to be carried out, improvements to an area, or they can demolish areas of unfit houses.

As far as demolition is concerned a council can declare an area to be a **clearance area**, which means it considers the houses dangerous to the health of the residents. Before a clearance order is made the authority must be in a position to re-house all the tenants and must have sufficient money to carry out the work.

Improvement of housing

Authorities have the power to make grants to improve properties by providing them with "standard amenities" – fixed bath or shower, wash hand basin, sink, hot and cold water supply and wc (where practicable, within the

house). Grants may be made for conversions which substantially improve homes. House improvement grants are now means tested.

Some grants are discretionary (a council can give them if it has the money available) and some are mandatory (a council must give them to anyone who meets the requirements).

Mandatory grants are given for the provision of standard amenities (listed earlier), and, if done at the same time, repairs.

Discretionary grants are available for improvements which will guarantee a house a useful life of 30 years. They can also be given for structural repairs to pre-1919 houses, providing other conditions, like standard amenities, are met, and for providing standard amenities and fire escapes for houses in multiple occupation. In special circumstances the grants in these last two cases can be mandatory.

At the instigation of a tenant of a pre-1961 house lacking one or more of the standard amenities, authorities can compel a landlord to improve the property.

Authorities must re-house anybody displaced by improvement work if suitable alternative accommodation is not available to them. Improvement grants are payable and the Secretary of State may make a contribution towards work to improve the environment.

Local authorities also have considerable powers to deal with overcrowding which is an offence by both landlord and occupier. The authority deals with the matter by serving notice of overcrowding on the landlord. It can obtain a possession order if nothing is done.

Authorities can control the number of people who are not of a single household living in the same building, and the numbers in lodging houses.

Some authorities are developing **Neighbourhood Renewal areas** where they examine the conditions in an area and then mastermind a renewal scheme in co-operation with Building Societies and other agencies. Under these schemes ownership of property does not usually change. These, if successful, will be good examples of the private and public sectors working together to renew worn out urban areas.

Housing Action Trust Areas (HATS)

The 1988 Act gave the Secretary of State power to designate an area as a Housing Action Trust Area. A body separate from the housing authority was to be established with the aims of repairing and improving property, providing effective management, diversity of tenure and improvement of social and environmental conditions. There was little interest in the schemes largely because the tenants feared large rent increases and because they preferred "the devil they know", the local authority, as their landlord. Although the provisions for HATS remain on the statute book they are now moribund.

Housing finance

The level of council house rents has been a highly political issue for many years. Before the Housing Finance Act 1972 they were often very low, but the Act forced local authorities to increase rents significantly.

Today, the law says rents should be reasonable. But what is reasonable? It is, of course, a matter for debate, but the courts have held that authorities must keep a reasonable balance between tenants on the one hand and ratepayers on the other.

The Local Government and Housing Act 1989 requires council rents to have regard to rents in the private sector. This does not mean that they have to be at the same level but that they should keep the same relationship.

Every housing authority must keep a separate housing account, known as the **housing revenue account (HRA)**. In simple terms this shows the annual cost of providing, maintaining and managing the authority's housing stock, and where the money to meet the cost comes from.

The 1989 Act made substantial changes to housing finance and the operation of the HRA. As well as redefining the items that can be charged or credited to the account, as from 1990-91 it is "ring-fenced". This means that the account must be balanced by rents and government subsidies and cannot be subsidised from the community charge. A new system of government subsidies (HRA subsidy) was also introduced and replaced the old subsidies including those for rent rebates. A total amount is fixed by the government which makes its assumptions about rent levels and expenditure. This total is then divided between housing authorities according to the value of their dwellings and local circumstances. This has ended the "open ended" nature of housing subsidies which were becoming embarrassingly large and taken with the new rent provisions make a substantial move towards the HRA becoming self financing. Where an authority had rent arrears at 1st April 1990 they had to be written off against the community charge account to allow the new HRA to have a clear start. After that date any arrears have to be met from the HRA which means in effect from increased rents.

As part of its overall plan to control total local government spending, the government is also seeking to control the cost of capital repairs, improvements and mortgages and loan expenditure – for buying land and building houses – by all housing authorities.

Housing authorities have to seek approval each year for their proposed housing investment programme (HIP). The government allocation is not a grant but an approved limit on the amount they can spend.

The Housing Benefit Scheme offers financial help to council and private tenants who can prove they cannot afford the rent and is administered by housing authorities. Standard Housing Benefit is paid to persons who are working but have insufficient income to meet their rent, whilst Certificated Housing Benefit is paid to those in receipt of unemployment benefit or income support. The cost of benefits is met by central government along with the cost of administering the scheme. As of April 1989 local authorities are also responsible

for the payment of board and lodgings charges to those living in hostel accommodation.

Alongside the Housing benefit scheme, local authorities have to operate community charge benefit schemes which are administered along similar lines.

Housing associations and societies

Housing associations are voluntary bodies and not part of local government. They are sometimes called the third arm of housing, the other two being local authorities (and new towns) and the private sector. The Government currently sees them as the major providers of new low cost properties for rent.

The Housing Corporation was set up in 1964. One of its principal roles (under the Housing Act 1974) is to keep a register of housing associations. (Registration is not compulsory, but un-registered associations have no entitlement to housing association loans and grants. There are some 3,000 registered associations.)

The Housing Corporation is controlled by a board whose members are appointed by the Secretary of State for the Environment. It has powers to discipline any registered housing association it considers is not operating satisfactorily, and it allocates approved expenditure for programmes agreed between the associations and the corporation.

Housing Association activity has increased significantly in recent years and is likely to continue at the present rate as Housing Associations are seen to some extent by Central Government as taking over the role of housing providers from local authorities.

Most housing associations are registered as industrial and provident societies. All have a committee of management elected by the membership of the association. This is voluntary work though committee members can claim for out-of-pocket expenses, but they do not receive either payment or attendance allowance.

The size of housing associations varies enormously. Some, with a small number of houses, have no professional staff. Others are large, with a substantial work-force.

Housing associations are non-profit making. They work closely with local authorities, being particularly useful in specialised areas such as providing sheltered housing for the elderly and those with special needs. They have also given a great deal of assistance in improving older housing in inner city areas.

Local authorities have the power to make loans to housing associations registered with the Housing Corporation. They normally have the right to nominate 50% of tenants to housing association schemes within their administrative areas. However, where there is partnership in the provision of new housing a higher percentage of local authority nominations is often agreed.

Private rented sector

The proportion of houses which are privately rented has declined dramatically in the last 30 years. Less than 7% of houses are now privately rented compared with 50% some 30 years ago.

There are many reasons for this decline: the rise in owner occupation, slum clearance programmes, more council housing and the impact of rent control. In addition, legislation introduced by successive governments to protect tenants from exploitation and harassment may have discouraged private landlords. Some people have argued the controls should be relaxed to allow the private landlord to return.

One of the declared aims of the Housing Act 1988 is the revitalisation of the private rented sector which it is hoped will be achieved through a reduction in rent controls and statutory protection for all new private sector tenants (including Housing Association tenants) as of April 1st, 1989.

Rent Assessment

Most privately rented accommodation is covered by the Rent Act 1977 and the Housing Act 1980. **Rent officers** are appointed by the Department of the Environment to administer the Rent Acts and to explain them to the public. County councils are generally responsible for the service under agency agreements, with support staff being appointed by them. But as a result of the 1988 Housing Act privately rented accommodation will in the future move out of rent control.

Under the Housing Act 1980 three main types of tenancy were created – regulated, restricted and assured.

Regulated tenancies mean tenants have security of tenure, usually for their lifetime. They can only be evicted by a court order. The landlord, tenant, or both of them may apply to the rent officer for a fair rent to be set. This will be based on the size, location, facilities and state of repair of the property. Appeal against the fair rent by either party is to a **Rent Assessment Committee** whose members are lawyers, valuers and lay members appointed by the Department of the Environment. Fair rents remain in force for two years.

Restricted tenancies occur where the landlord lives on the premises. In the first instance, the rent is by agreement between the landlord and tenant, though either may apply to a rent tribunal (rent assessment committee under another name) for a reasonable rent to be registered.

The rent tribunal seeks the views of both parties before fixing a rent. The rent stays in force for two years unless there has been a change in circumstances, e.g. improvements or rate increases. Tenants do not have security of tenure, although in certain circumstances the tribunal can give security for six months.

Assured tenancies are rare. They were introduced by the Housing Act 1980 for landlords approved by the Secretary of State for the Environment (e.g. pension funds). Tenants must negotiate everything with the landlord and have no right of appeal against the rent charged.

Under the Housing Act 1988 two new forms of tenancy have been introduced: the assured tenancy (a modified version of the assured tenancies introduced in 1980) and the assured shorthold tenancy.

Assured tenancies can be provided on a periodic or a fixed term basis. Rents under assured tenancies will be market rents agreed between the landlord and the tenant at the start of the tenancy. For fixed term tenancies there will be a stipulated initial rent with a rent review clause setting out how the rent is to be varied over time. Under a periodic tenancy an initial rent is agreed at the commencement of the tenancy. If this agreement contains a binding arrangement for the increase of rent then there is no control imposed on the rent. It is envisaged that the vast majority of new private and housing association lettings will be on an assured tenancy basis.

Assured shorthold tenancies must be granted for a minimum of six months. Rents will normally be specified at the commencement of the letting but once the fixed term has expired the landlords can grant a further periodic shorthold tenancy at whatever rent they choose. Within the initial fixed term letting or the subsequent fixed term shorthold letting the tenant can apply to the Rent Assessment Committee which can, however, only fix the rent if it is satisfied that there are other similar dwellings let in the locality on assured tenancies and the rent payable under the shorthold is significantly higher than the landlord might reasonably expect. Once the fixed period of the tenancy has elapsed, possession can be granted to the landlord provided that the landlord has given not less than two months' notice that possession is required.

Alongside the introduction of market rents several other key differences exist between assured and assured shorthold tenancies and regulated tenancies:

- unlike lettings on protected tenancies the 1988 Act does not preclude the charging of premiums on assured and assured shorthold tenancies;
- rights of succession are significantly weaker, with assured shorthold tenants having no succession rights at all;
- the landlord's ability to regain possession is increased.

Chapter Seven

Local Government and Education

Explains the structure of aided and maintained schools, including comprehensives. Lists the role and duties of local education authorities. Describes the method of financing maintained educational services including awards and grants. Describes the role of Department of Education and Science and relationship between central and local government in education. Describes in outline the role of independent schools and the assisted places schemes.

Education is the subject dearest to most parents' hearts. They are interested in it specifically – the schools their children attend, and also generally – overall policy, the quality of teaching, future plans, proposed changes. But education is also of interest to the wider community. In rural areas particularly, the local school is so often the main hub of village life, but urban schools, too, provide a base for many activities with organizations hiring halls, sports clubs using facilities at weekends and adults going to them for evening classes.

Local businessmen are also interested in the quality of teaching and the range of skills being acquired by youngsters they might seek to employ. In addition to all this, education provides hot political debates at national and local level, none more so than recently with new legislation, of which the Education Reform Act 1988 is the most important, radically altering the face of education.

Fundamental changes are being made in the organization and management of the schools system; the local community, particularly parents and businessmen are being encouraged to take part in running them; the rights of parents are being strengthened; and governing bodies are now expected to take over much more responsibility for the day-to-day running of their schools. Schools – that is, the governors and parents of a school – can also choose to 'opt out' of the control of their local education authority, and be funded directly from Whitehall, who then recharge the cost to the local authority, and there is now a national curriculum with regular assessment of the performance of children. Higher education has been altered with many colleges offering degree courses being taken from local authority control.

The Education Reform Act imposes a timetable, and sets out the changes that have to be made. However, it does allow local education authorities (county councils, metropolitan districts and London Boroughs) discretion to move faster and to make wider changes than it prescribes. Therefore, across the country there are variations according to the enthusiasm of individual local education authorities for the changes. Local newspaper reporters will therefore have to become familiar with whatever is being arranged locally because, rest assured, education is going to provide controversy and a fund of stories over the next few years. It is going to be particularly important to understand the division of responsibilities between the Department of Education and Science, local education authorities, head teachers and individual governing bodies.

History

The first significant education legislation was the Elementary Education Act 1870, which set up schools boards in areas where there was a shortage of schools. Their members were directly elected and they could levy a rate (a similar system operates in parts of the USA and Canada today).

In 1901 the boards were abolished by an Education Act which made 'elementary' schools (broadly, primary schools) the responsibility of county councils. If they wished, the councils could financially assist secondary schools. The Education Act of 1918 abolished fees in the elementary schools, raised the school leaving age to 14 and allowed local education authorities to provide nursery schools for the under fives.

The basis of the present education system – despite the importance of the recent Education Reform Act – was established by the Education Act of 1944. The Secretary of State for Education and Science was made responsible for education in England and Wales (now the Secretary of State for Wales has responsibility for education).

He was – and is – required “to secure the effective execution by local authorities, under his control and direction, of national policy for providing a varied and comprehensive educational service in the area.”

Thus, the overall responsibility for the education service rests in Whitehall, with the 1944 Act making local education authorities responsible for actually running and planning the schools in their area. They were directly responsible – under national direction – for schools in the public or 'maintained' sector, and also for helping to fund “voluntary” schools, which are mostly those schools established by the various churches. It was this Act which set up the present system of primary, secondary and further education, made provision for child welfare and handicapped children, abolished fees in secondary schools, and raised the school leaving age to 15 (it went up to 16 in September 1972).

The secondary education field became a political dog fight in the 1960s and 1970s over the issue of 'streaming' children at 11 into either grammar or secondary modern or technical schools. In 1965, the Labour Government called for education authorities to make plans for comprehensive schools which would all take children without the division of the 11+ examination. In 1970, Margaret Thatcher, then Conservative Secretary of State for Education, told education

authorities they were no longer bound to do this. Labour returned to power in 1974 and their Education Act of 1976 required education authorities to submit schemes to introduce comprehensive education. And then back came the Conservatives in 1979 and their Education Act 1979 repealed that part of the 1976 Act relating to the compulsion over comprehensive education. Hence, there are still grammar schools and selection tests in some parts of the country.

Types of Schools and Structure

There are various terms applied to schools. Local authority schools are the largest single category. In the shires they nearly always have the word "county" in their title, though this tends only to be the junior and primary schools for the 5 - 11 age bracket; comprehensives usually do not include this. Grammar schools also do not always include "grammar" in their title. Usually the terms "state maintained", "state sector" or simply "maintained" are used to describe these schools.

The **controlled schools** are usually those established by the Anglican or Free churches – although sometimes by a charitable or voluntary body – and which have, for all practical purposes, become absorbed into the state sector. The local education authority funds the running of the schools and looks after the buildings, but an important feature is that in most cases the original founding organization still owns the land and sometimes the buildings. In most cases, there will also be close links with the relevant Church with, for example, church representatives on the governing body, and the relevant local minister or vicar maintaining a working association with the school. The school may also have historic customs such as celebrating the original founders, or receiving income from a trust. The word "controlled" usually appears in the titles of such schools.

Aided schools are similar, though as their name implies, they are not quite so closely integrated with the state sector. The word "aided" also usually appears in the name, and they are nearly always Roman Catholic, that church having made separate arrangements. The Church retains ownership of the land and buildings, which are maintained and built by grants from the Department of Education and Science, with the Church paying 15% of the cost. The local education authorities pay the running costs. The composition of the governing bodies will reflect the increased involvement of the Church and there will be more emphasis on Roman Catholic instruction for the pupils.

Special Schools refers to schools for children with mental and/or physical handicaps, or some form of learning disability. In recent years, much has been done to integrate such youngsters, so far as is possible, into their local neighbourhood school. With children who are very ill or frail, special education can be provided at home or in hospital.

Grant maintained schools are an important addition to the categories of schools, and results from the Education Reform Act providing the opportunity for the governors and parents of a school to apply to the Secretary of State for permission to "opt out" of the control of their local education authority. The importance of such a move is the impact it will have on other schools in the areas – will it attract their best pupils, for example? Grant maintained schools will continue to offer free education but will be funded directly from central

government. The intention of the government is to widen the choice for parents within the state system and, by introducing an element of competition to attract pupils, to improve standards. Any state sector or controlled school with at least 300 pupils, whether secondary or primary – but not special schools – can apply to become grant maintained. In the examples to date, the initiative has nearly always come when the school has faced closure or merger, or has wished to resist change from grammar to comprehensive.

The formal application to the Secretary of State needs the support of a majority of parents eligible to vote in a secret ballot. The Secretary of State then has to decide if the school has a secure future and that the governors and the head and the staff are competent to run it. Skegness Grammar was among the first to be granted permission to opt out. If opting out is approved, then ownership of the school transfers to the governors from the local education authority. In the case of the voluntary schools, however, the churches or trusts involved will remain owners, but like the other grant maintained schools, it is the governing body working closely with the head who will actually manage the school, receiving direct from the Secretary of State a grant equivalent to the amount the local education authority would have spent on it.

All local parents will be able to apply for a place, and each school will be able to decide how it is to allocate places if it is over-subscribed. Parents will retain a right, as with local education authority schools, of appeals to an independent committee against a refusal of admission. The governors will have to account to the Secretary of State and to parents for their management of the school, and the ultimate sanction is the Secretary of State withdrawing the grant, and if ever such cases occur, pupils at the school will once again become the responsibility of the local education authorities. But this will not happen suddenly; the Secretary of State will have to give five years' notice of his intention to withdraw the grant.

City Technology Colleges: Again, with a belief that standards of education will improve with wider choice, the Government introduced in October 1986 an experiment with a new kind of secondary school called City Technology Colleges – CTCs. Kingshurst, Birmingham was first, followed by one in Nottingham. Conceived specifically for urban areas, the CTC's are open to all pupils, and will have an emphasis on technology, science and mathematics. Computer technology will figure prominently and courses will be designed to fit youngsters with the skills that industry requires. That is why they are run by bodies closely linked with industry and commerce. Like the grant maintained schools, they will be independent of local education authorities, and will receive their running costs directly from central government, with the capital costs being shared between central government and private sponsors. Like the grant maintained schools, the controlling bodies will define their own admission policies, and it is likely they will select those pupils likely to take full advantage of science and technology.

The structures of education systems do vary from area to area, but are broadly:

Primary: These may be primary schools (5–11 year olds); or infant schools (5–7) followed by junior schools (7–11). In some areas there are first schools (5 to 8 or 9) and middle schools (8/9 to 12/13). In some areas, middle schools are classed as secondary schools. Also, in some areas there may be nursery schools

for the under fives. The 1944 Act expected there to be an expansion of nursery education, but did not make it compulsory, and therefore its provision is spread unevenly. Some local education authorities have expanded their provision by adding nursery classes to existing primary or infant schools.

Secondary: (11/13 to 16/19)

Selective: grammar schools for those who pass a selection test, or secondary modern schools. There may also be technical schools.

Non-selective: pupils transfer to comprehensive-schools at 11 or 13. These schools can cater for pupils through to 18 or 19, or they can end at 16. In some areas, post-16 studies are provided by sixth form colleges, or tertiary colleges which have come about through a merging of local comprehensive sixth forms and part or whole of a college of further education.

Further education: This was defined by the 1944 Act as providing full or part-time education for students over the compulsory school age, and also leisure activities for people over the compulsory school age. Local education authorities are expected 'to make adequate provision' for further education, but there is otherwise no actual legal requirement. They do this through colleges of further education, technical colleges, colleges of technology, adult education colleges, evening institutes, etc. Courses range from those leading to recognised vocational or professional examinations (both full and part-time) and leisure interests, which are nearly always part-time.

Higher education: Colleges or polytechnics offering degree or degree equivalent courses are no longer (since 1987) run by local education authorities but are funded by central government through the Polytechnics and Colleges Funding Council. Universities are funded through the Universities Funding Council.

Locally Managed Schools

Locally Managed Schools, or LMS, is a phrase which is beginning to figure largely in school communities in the state or maintained sector – which is likely to continue to be by far the largest category of schools.

This is a move which follows the belief that decisions on running schools are best made by governors, headteachers and their staffs, and by parents. From September 1987, education authorities have been required to give governors a lump sum to spend as they think best on books, equipment and stationery. Several councils embraced the idea enthusiastically and went much further with such delegation and now all education authorities are required to give wide spread delegation. All secondary and primary schools with more than 200 pupils have responsibility for their own revenue budgets. The Secretary of State may extend the arrangements to smaller and special schools.

There will be variations from area to area, but broadly, the governors will take responsibility for staff salaries, books and equipment, heat and light, furniture, rates, etc. New buildings, maintaining the fabric of the building, and home to school transport will remain with the education authorities, and they have the discretion to retain responsibility for services like welfare and psychological

testing – which are probably run more cost effectively on an area basis.

Training Agency

The Training Agency (previously named the Manpower Services Commission, then the Training Commission) operated by the Department of Employment, not by the Department of Education and Science, is assuming an increasingly important role in post-16 education and training. The Agency's work is directed more at skill training. Typically, these are two-year courses run by individual companies or local authorities appointed as agents and receiving a grant from the Agency. These courses are mainly aimed at youngsters leaving school at 16 with few, if any, qualifications. In addition, the Agency funds courses in colleges of further education; often these are of a specialised nature to help meet a shortage of particular skills in an area.

The Agency also funds the Technical and Vocational Education Initiative (TVEI) which is spreading through schools and colleges aimed at encouraging those 14–18 year olds not progressing to advanced levels to follow work-related courses.

The work of the training agency is now being taken over, in many areas, by **Training and Enterprise Councils (TEC)** which have a wider role than training including helping new businesses to start and existing businesses to grow. TEC's have a membership of 15 usually made up of 12 prominent business-men, a leading trade unionist and often the chief executive and chief education officer of the county.

National Curriculum

This is another important 'directive' in the Education Reform Act, causing a great deal of controversy, which will probably continue for some time because it appears to contradict the general thrust of the rest of the legislation that educational decision-making is best made locally.

The move was based upon a belief that British pupils were under-achieving; teachers' expectations being too low, and the curriculum being too narrow. Statistics were produced to show that pupils and their parents, when faced with choices gave up important subjects like modern languages and, girls particularly, physical sciences.

The introduction of a national curriculum is intended to guarantee that everywhere a broad and balanced education is provided, and by setting standards to be reached and monitoring progress, to raise standards.

The curriculum is being introduced gradually and will comprise:

Three "core" subjects – English, mathematics and science;

Seven "foundation" subjects – history, geography, technology, a modern language (in secondary schools), art, music and physical education;

Religious education to be provided for all pupils in state and controlled schools, with daily collective worship for all pupils – though parents can opt to withdraw their children from this.

There will be attainment targets for core and foundation subjects. These will set out what children are expected to know at ages 7, 11, 14 and 16, and what they must study to reach these standards. Originally it was envisaged that there would be national assessments at these four ages for pupils to demonstrate whether or not they have reached the attainment targets. However, problems with pilot tests for 7-year-olds has meant that the Government has rethought the question of testing. Pupils over 14 will not be forced to study the whole national curriculum.

Each local education authority has to publish a policy statement on the curriculum being followed in its schools, which may be adopted by the governors. But the head will have to ensure that the pupils' curriculum is in line with the LEA's general policy – which in many areas will be the national curriculum in a largely unaltered form, with some additional subjects. Sex education, however, is a matter for the governors alone, and they have to publish a statement on this.

In most areas, local authority and controlled schools will have an agreed syllabus on religious education drawn up in consultation between the council and the relevant churches, usually the Anglican and Free churches. There may be some minor differences in some church schools to meet parents' wishes, or, for example, to meet the provisions of a trust deed or other historical covenants when a church school was originally set up. But the Education Reform Act does include a requirement for a daily collective act of worship held on predominantly Christian lines, though it is possible for a school with a majority of children of a different faith to seek exemption from this. The aided schools, usually Roman Catholic, follow their own syllabus of religious instruction.

There has been a degree of controversy over the special provisions made only for Christian churches' involvement in state education. Though other religions ought to be included in a syllabus, particularly if they relate to substantial minorities in the school population, the issue of funding for separate non-Christian schools does arise, and this could become a factor in any campaigns to 'opt out' and form grant maintained schools.

A head will be allowed to suspend the requirements of the national curriculum to help a particular pupil with learning difficulties. In such cases, the parents, the LEA and the governors must be informed. Parents have a right to appeal against this to the governors and if still dissatisfied, to the LEA.

Duties of the DES

The Secretary of State for Education and Science is responsible for education. The Department is both the principal adviser on national policy and the principal agent for seeing that policy is carried out. The influence of the Secretary of State has been increased with the introduction of the national curriculum.

The Department of Education and Science, like all government departments, is staffed by civil servants headed by a permanent secretary. The department is split into branches responsible for its various functions, eg, schools, teachers, higher and further education, science, and arts and libraries. (The DES has published a pamphlet, "How the DES is organised", which gives the functions of all the branches).

Attached to the department, but in a different position from other civil servants, are Her Majesty's Inspectors. Recruited almost entirely from the teaching profession, their job is to assess how the education system is working and to offer advice. They run courses, visit and inspect schools and colleges and produce reports upon their findings which are sent to local newspapers. They may be critical about the way a school is being run, but they cannot order the authority or teachers to do anything. The education department or school must decide whether the criticisms are valid. Even so, the arrival of an HMI report in a newsroom invariably produces good copy.

There is constant and close communication between the department and local education authorities. The department must always satisfy itself that statutory functions are carried out. If a parent or governing body can show that an authority is acting unreasonably, the Secretary of State has power to intervene. An authority may call on the Secretary of State to intervene if a governing body is seen to be acting unreasonably.

Education is by far and away the most expensive service provided by local government and there are two principal sources of money – national and local taxation. The money from national taxation is distributed as part of the revenue support grant settlement. There are also specific grants.

Duties of education authorities

There are 116 education authorities in England and Wales: 39 county councils in England and eight in Wales, 36 metropolitan districts in England, 32 London Boroughs and the City of London Corporation.

In many local government services, the statutory duty to appoint committees and departments was lifted from local authorities by the Local Government Act 1972. But this did not apply to education – the education committee and department are still statutory.

Each education authority appoints an education committee. This, in turn, sets up a number of sub-committees to deal with specific subjects.

Most members of an education committee must also be members of the council. The committee can co-opt specialists – it may include some persons experienced in education and the educational conditions of the area – and it can exercise any of the authority's functions except the power to borrow money or to raise a local tax.

Every education authority must appoint a chief education officer (they have a variety of titles). Up to 1974 the Secretary of State for Education and Science had the power to veto any name on a short list of candidates for a chief education officer post. Now the appointment can be made without consulting the Secretary of State.

Chief education officers are assisted by professional and administrative staff. Professional staff also assist teachers. Some employ inspectors or advisers – not to be confused with Her Majesty's Inspectors, who are employed by the Department of Education and Science.

Another statutory appointment is of a **careers officer** serving people up to the age of 18.

The principal responsibility of an authority is to provide and maintain premises for primary, secondary and further education, and to provide recreational facilities and youth and career services.

The authority must also provide and disburse funding to the governors of the locally managed schools, and ensure that all schools are following the national curriculum.

Therefore, although in many matters of day-by-day detail local education authorities have lost power, they still remain important local administrators of a national education system.

In turn, the Department of Education and Science also watches the LEAs and keeps a finger on the pulse. A particularly good example— not least because of the continuing news stories that are produced – is over any move to close or amalgamate schools. An LEA must publish notices of its intention to close a school or change the statutes in some way and submit those proposals to the DES for approval. Objectors have a right to object to the Secretary of State.

The division between the various levels of responsibilities are also shown in the admission arrangements. The LEA decides, according to national guidelines, the size of admission to each of the schools; the governors must make this information (and other information such as homework policy) available to parents so that they can choose between schools; and the governors can ask the Secretary of State to intervene if they think the LEA admission figures are unfair.

Grants to students are also administered by local education authorities. Anyone taking a first degree or similar course at a university, polytechnic or other institution of higher education is normally entitled to a mandatory award. Student and parental income are taken into account in assessing the amount of grant, and the authority receives 90% reimbursement from central government.

Authorities also have the power to make discretionary grants to students following courses which do not carry mandatory awards.

The Education (Student Loans) Act 1990 provides for, as from 1990, a gradual replacement of grants by loans which the student will have to repay after the end of the course. Grants will not be increased for 1990-91, or subsequent years, but loans will be until there is a 50/50 ratio of loans to grants. No real interest will be payable on the loans but as their value is to be increased annually by the rate of inflation, this means that effectively the student will pay an interest rate equivalent to inflation. The normal repayment period will be five years but this may be extended for courses where the student borrows for more than four years or in cases of hardship.

The courses which are supported vary from authority to authority, as does the value of the award.

Governors

All these moves make governors much more important. The 1986 Act changed the composition of governing bodies to diminish the representation of the education authority and to create more places for parents and the local business communities. Headteachers can also become governors. As they now have to make important managerial decisions, governors have to be accountable, and they have to report to their parents through an annual report and meeting.

The education authorities will still retain links with governors, for whom, for example, training courses will be run. The governors also have to provide the authorities with regular information about their spending, and can seek help and advice. In the last resort, the education authority can step in, though it is expected that the local management will be restored as soon as possible.

The size of the governing body depends upon the number of pupils, but they are always composed of four groups – parents, local education authority, teacher and co-opted. The number of parents and LEA representatives are always the same and co-opted governors are always the largest single group. For an LEA school with 300 - 599 pupils, there would be four parents, (elected by the parents), four LEA representatives, one teacher (elected by the staff) and five co-opted governors – invited by the other governors, who have to ensure that the local business community is represented.

In a controlled school there are usually 'foundation' governors, representing the church or other body associated with the school. In some areas, too, district and parish councils have inherited a seat on the governing body of some schools. In each case, the co-opted membership is correspondingly reduced. Heads can also choose to be governors.

The annual meeting is an important event in the school calendar. All parents of registered pupils must be invited, and the head has the right to attend, whether a governor or not. The governors are responsible for conducting the meeting and they may choose to invite others, including the press, but there is no right of press attendance.

The meeting is to discuss the governors' annual report to parents, and resolutions can be passed, providing there are 20 percent of parents present. The resolutions have to be considered by the governors or passed to the LEA if it is their responsibility – and a report must be made on the issue the following year.

Governors also now have a role in the discipline of the school, although the primary statutory responsibility is the head's. But the governors have the power to draw up a statement of general principles, and the head must take these into account.

Only the head has the power to exclude a pupil, but the governors and the LEA have to be informed. The governors can direct the head to reinstate the pupil, and so can the LEA, though only after consulting the governors.

The governors also have to inform the LEA about pupils who do not attend regularly.

It is the LEA which maintains the Instruments of Government (or the rules) for each school, and amends them if the size of the school alters, for example. Despite the wider responsibilities of governors, they still look to their LEA for guidance and advice, though the degree of 'control' by an LEA has been much diminished. The LEA, however, still maintains a close involvement with each school through their nominees, who are appointed for a four-year term. Most LEAs advertise for people willing to become governors and set up selection boards to choose their governors – and so this often becomes a political issue.

Parent governors, however, are elected for a four-year term by the parents of registered pupils, and teacher governors by and from the teachers at the school also for four years. Parent governors whose children leave the school can remain on the body for the remainder of the four year term; teachers who leave cannot remain.

Co-opted governors are chosen by the other governors, who must ensure that the local business community is adequately represented. Sometimes the local district or parish council also has a right to appoint governors, and if so, the number of co-opted governors is correspondingly reduced.

Independent Schools

Independent schools are outside the public education system and receive no grant from public funds, but they all have to be registered with the DES. In addition to this they can, if they choose, be inspected by Her Majesty's Inspectors and be "recognised as efficient" by the DES.

Authorities may arrange with independent schools for a number of places in them to go to pupils whose fees are paid, in whole or in part, by the authority.

The Conservative Government's Education Act 1980 introduced the Assisted Places Scheme. Independent schools may apply to the DES to enter the scheme. If they are approved, pupils who pass the entrance examination and whose parents' income is below a certain level have their fees (but not boarding fees) reduced on a set scale. The DES reimburses the schools for any money lost to them through reduced fees.

Chapter Eight

Local government and planning

Describes the division of functions among local planning authorities. Explains the reasons for planning. Describes the development control, including planning permission, planning appeals and blight. Explains the public inquiry system and procedures. Explains the compulsory purchase and compensation system. Describes development plans, including structure and local plans. Distinguishes between public participation and public consultation and the problems involved.

Planning is always a fertile source of stories for local papers. People want to know what is planned for their area. Passions often run high as applicants for planning permission and objectors battle over proposed developments. In addition, the public have certain rights of consultation: it is important they are made aware of the issues.

Why have planning control? The simple answer is – just imagine what things would be like if there wasn't any.

British town and country planning, which came into its own with the Town and Country Planning Act 1947, since superseded by the Town and Country Planning Act 1971, is the envy of the world. The Town and Country Planning Act 1990 consolidated most planning legislation into one act.

Go to almost any other country in the world where less strict rules prevail and it can be seen how the countryside can be spoiled by uncontrolled development.

Here, most constructions require planning permission. It can be irksome, can go too far and take too long – the chief complaint about planning authorities and their handling of planning applications is of the inordinate delay. The guiding principle is to maintain, wherever possible, a green and pleasant land – certainly, on the negative side, to prevent a return to Blake's dark, Satanic mills.

Local authorities have two main roles in planning: development planning, which entails laying down how authorities want to see their areas develop (structure, local and unitary plans); and development control, where authorities

respond to individual applications to develop or change the use of existing land or buildings (planning applications).

Division of functions

There were a lot of moans about the Local Government Act 1972. The biggest and most often heard were about the overlap and duplication of planning functions.

The Local Government, Planning and Land Act 1980 sought to remedy this – mainly at the expense of the counties. A further simplification, if that is the right way of putting it, came in the metropolitan areas with the abolition of the metropolitan counties, making the metropolitan districts responsible for all planning functions. In London, a London Planning Commission was established, principally with a consultative role (see also later in the chapter under development plans).

Prior to the 1980 Act coming into operation, counties had to receive copies of all planning applications made to districts. Now districts have only to pass on those applications they consider relate to a county matter. The term county matter has been redefined: it relates in the main to matters affecting structure plans, land affected by mineral extraction, land the county proposes to develop or land which is proposed to be used for waste disposal.

The other major loss for counties under the 1980 Act is that they no longer have the right to direct districts on determining applications that adversely affect the structure plan. All they are left with is the right to be consulted.

There are still many shared functions. The main sole responsibility of counties is to draw up a county structure plan which was originally intended to be a blueprint for the future (see later in the chapter for full definition).

Counties are also responsible for providing facilities for the public, eg, refreshment places and parking, in national parks.

Metropolitan districts and London boroughs have to draw up unitary development plans for their areas, while districts have to draw up local plans (see later for full definition). Districts are also responsible for dealing with specific planning applications, eg, garage or house extensions, conversion of a house into offices, etc.

Functions shared by counties and districts include: acquisition of land, either voluntarily or by compulsory purchase, for development or redevelopment; and land disposal.

Under the Local Government, Planning and Land Act 1980, authorities have to keep registers of land which is not used or is insufficiently used. The Secretary of State for the Environment can direct them to dispose of any such land at the market value.

In addition, counties and districts share the responsibility for caravan sites, conservation areas, historic building control, tree preservation, the registration of local land charges, and schemes to reclaim derelict land.

Development plans

There are three types of development plan – **structure plans**, which are the responsibility of county councils, **local plans**, which are prepared by district councils, and **unitary plans**, which cover the areas of metropolitan districts and London boroughs.

Structure plans are forward-looking (15 year) documents which show how the county council thinks the whole area should develop.

Structure plans identify areas for industrial, commercial and housing development; areas to be conserved; proposals for leisure facilities; employment initiatives; and proposals to improve communications and transport. When a county begins work on a structure plan it has to consult informally with the public and with government departments and public bodies.

Consultation goes a step further when the county announces its proposals. It has to give members of the public a chance to give their views, and it has to have talks with the district councils.

When the county adopts its structure plan there is a further chance for the public to object to it when it is sent to the secretary of state for approval.

The Secretary of State must be satisfied the county has been diligent in its public consultation and can ask for further steps to be taken. Consultation is followed by a public examination arranged for objections to be considered. The secretary of state may approve, reject or amend structure plans, and may set up an inquiry into any part of a plan to assist in making final decisions.

If approved, the plan is published, with copies available for inspection and sale. There is still a chance for appeal to the high court, but only on a point of law.

The Local Government, Planning and Land Act 1980, however, allows for the repeal and replacement of structure plans in addition to their simple alteration.

There is no doubt that the effect of the 1980 Act, together with the Local Government Act 1985, has been to reduce the role of structure plans. Some would argue that by laying down that they should consist only of policy and general proposals, they have been so downgraded as to be of little real significance.

New legislation proposed for 1991 would further streamline structure plans by moving detail to local plans, leaving structure plans to concentrate on strategic policies. County Councils would also be able to approve their own structure plans without the detailed approval of the Secretary of State.

Local plans were originally meant to supplement structure plans at local level, but it is now possible for local plans to be adopted in advance of structure plans. Local plans have to pay regard to structure plans, but the approval of the county (or the Secretary of State) is not needed.

Local plans are a guide to how the district council wants its area to develop. They show where development or redevelopment is intended, any other major works proposed, and how the whole environment is to be managed and improved.

Public consultation and participation also have an important part to play in drawing up local plans. At the start, when the authority is thinking about what to put in the plan, there should be informal consultation. Authorities have to advertise details of local plans. This originally had to be done in the *London Gazette*, but certain stages may now be advertised in local newspapers.

Next, the public must be given a chance to make formal representations which must be considered by the council. At the same time the council must also consult the county and other interested bodies. The county must say whether or not the proposed local plan conforms to the structure plan – if there is a dispute the secretary of state acts as referee.

When the plan is ready for adoption it must be made available for public inspection. If any formal objections are received, a public inquiry, conducted by an inspector appointed by the secretary of state, will be held.

Before adopting the plan the council must consider the inspector's report and decide on appropriate action. If modifications are made, there may have to be another inquiry. If the plan is adopted, objectors, other planning authorities and the secretary of state are informed and copies put on sale.

As in the case of structure plans, there is a final appeal, on a point of law only, to the high court.

Unitary development plans have replaced the structure plan system in London and the metropolitan areas. These are, in effect, structure and local plans rolled into one, in what are, virtually, all-purpose authorities. The secretary of state has strategic guidance powers. In London, there is a joint planning committee to advise the boroughs on matters of common interest and to inform the secretary of state of borough views on planning matters.

Development control

It is not just for putting up new buildings that planning permission is required. It is needed for **change of use**, eg, converting a house to offices, or converting a clothes shop to a chinese take-away or a factory. These things are what development control is all about. But there are exceptions.

Planning permission is not needed to improve the inside of a building, for such things as garden sheds, gates and fences, though contact with the local authority about these is usually needed as they may infringe the building regulations designed to ensure safety and durability (see later in the chapter for how the building regulations work).

Planning permission

Applications for planning permission must be made on forms obtainable from the planning authority – metropolitan district, London borough or district council – and must be accompanied by a plan. A fee is payable. The application will appear in the register of applicants. In certain cases it must be advertised in local newspapers that the application is being made.

This is to enable people affected to make representations to the planning authority.

Planning authorities must deal with planning applications within two months unless an extension of time is agreed with the applicant.

Planning applications are often dealt with by planning committees acting under delegated powers. Officers play a key role in advising members of technical matters.

A planning authority has three options when considering applications: to give unconditional permission, to give conditional permission, or to refuse permission. In coming to its decision the local authority will take into account such matters as the structure and local plans, the appearance of the proposed development, representations received from the public, and the effect on public safety.

An authority may also grant **outline planning permission** (permission in principle), subject to reservation that its approval will be necessary for any matters not particularised in the outline application. If the development is not carried out within a time limit the permission lapses.

In addition, the secretary of state has the right to call in any planning application for decision. This right is rarely exercised, for example: when an application raises issues of national or regional importance; arouses more than local opposition; where it might be unreasonable to ask the planning authority to adjudicate (eg, an application for development by a foreign government); or where the proposed development raises unfamiliar problems.

Every planning permission granted is on the condition that the development is started within five years (or any other such time as the planning authority may direct).

If permission is refused, or if only conditional permission is granted, the applicant has six months to lodge an appeal, free of charge, against the decision with the secretary of state.

Appeal forms are available from the appropriate government department. An appeal can be made by written representations to an inspector or a public inquiry can be insisted upon. An inquiry will be held with a government appointed inspector presiding. (See page 81).

Building regulations

Building permission – granted by metropolitan districts, London boroughs and districts – is almost always needed before a new building or an extension is put up, even if planning permission is not required.

The reason for **building control** is to ensure a building is structurally sound. A charge is made for the service, and building officers inspect a building while it is being put up to ensure it complies with the building regulations.

Provisions for control of buildings throughout the country – except in inner London which has its own mode of control – are contained in Building Regulations under the Public Health Act 1961 and the Health and Safety at Work Act 1974.

Before the 1961 Act public health authorities made their own building by laws. It was felt this system was too haphazard so now all by laws are subject to ministerial control.

Building regulations govern the specifications of new buildings – and alterations and additions to old ones – from the standpoint of safety, health and design. They cover, among other things, materials, method of construction, sanitation and fire precautions.

Plans for new building work must be submitted to the planning authority for approval. But if the plans comply with the building regulations, and are not defective for any other significant reason, they must be approved. Equally, if they do not conform in any way they must be rejected.

It is an offence to build in contravention of these regulations. A source of good copy for journalists is local authorities ordering buildings built without permission to be demolished, or for remedial work to be done. Authorities, alternatively, may do the work themselves at the owner's cost.

Buildings of historic interest

Famous buildings are destroyed sometimes, but there is a detailed scheme for the preservation of important buildings.

The main safeguard of an historic building is to get it **listed** by the secretary of state. It is then necessary to get **listed building consent** from the district planning authority if the owner wishes to alter or extend the building.

If a planning authority wants to protect a non-listed building of architectural or historic interest it can put a **building preservation notice** on it. This lasts six months and has the same effect as listing. During the six months the secretary of state has to decide whether the building should be listed.

If unauthorised work is carried out on a listed building, the planning authority can serve an **enforcement notice** requiring the building to be returned to its former condition.

Under certain circumstances, the owner of a listed building can require the planning authority to acquire it. Grants may be made by central and local government to help with maintenance.

Conservation areas

Conservation areas are designated by planning authorities as areas of special architectural or historic interest where the character or appearance should be preserved or enhanced.

Once a designation has been made, special attention is paid when the authority carries out its planning control functions.

Authorities have to advertise in a local paper, notice of any planning application in a conservation area which they feel would affect the character or appearance of the area.

The public have 21 days from the date of advertisement to make representations about such applications. Planning authorities must take any representations into account when making a decision.

Planning blight

When the value of property suffers as a result of a planning decision by a public authority it is blighted. Owners of property suffering from **planning blight** can, under certain conditions, get compensation.

Cases that qualify are:

- Property threatened by compulsory purchase schemes for road building. The owner is entitled to the full market price.
- Land where planning permission has been refused and consequently is of little value. The district council can be forced to buy it.
- Property whose value has been reduced by at least £50 by noise or fumes from new public works which began after 1971. Compensation can be awarded. Owners seeking acquisition of their property by the council, or simply compensation, have to fill in a blight form giving details of their claim. If the claim is contested by the local authority the Lands Tribunal acts as arbiter.

Compulsory purchase

Compulsory purchase is one of the most emotive aspects of the planning system. Any public authority – local authority, government department or gas or electricity board – is entitled to issue a **compulsory purchase order** on any land or buildings it wishes to acquire. That does not mean the order will be approved automatically.

Any proposed compulsory purchase order must be advertised in two successive issues of local papers. A copy of the order must be sent to every owner and tenant affected. The order and a map must be deposited with the local authority. Anyone affected by the order has the right to appeal to the government department named in it – appeal must be sent within 21 days of the notice first being advertised.

If formal objections are received the government department will appoint an inspector to hold a public inquiry. This must be advertised and be open to anyone affected by the order, who must be given a chance to explain their opposition.

The inspector makes a report to the secretary of state, who then decides whether or not to confirm the order. If it is confirmed there is a chance to appeal against this to the high court.

Compensation is available to owners affected by a confirmed compulsory purchase order. They are entitled to the full market value (determined by the **district valuer** employed by the Inland Revenue) which would have operated if there had been no compulsory purchase order. In addition, they are entitled to expenses for such items as legal advice and removal.

Planning inquiries

Public inquiries have already been mentioned in relation to applications for planning permission and objections to **compulsory purchase orders** and structure and local plans. In addition, they are common with proposals for new roads (see chapter 10). They will also take place if, as mentioned earlier, the Secretary of State calls in a planning application, as with the Sizewell Inquiry, which concerned a nuclear power station.

Public inquiries are frequent and important sources of copy for local newspapers. Most are primarily of local interest, concerned with appeals against the refusal of planning permission in individual cases. Occasionally, they are of national interest, eg, the siting of a third London airport. They may last for months and cost millions of pounds.

The procedure is the same for all types of industry. It must be publicised – in addition to the applicant and the planning authority, those entitled to attend and be heard include formal objectors to the proposed development, anyone who has a legal interest in the site and the parish council concerned. (It is not uncommon for groups of objectors to try and disrupt proceedings – the most noteworthy cases of this have been over new road proposals). Objectors and applicants may be represented by barristers and call expert witnesses but are not entitled to legal aid. They may cross-examine anyone giving evidence.

Inquiries are conducted by independent inspectors appointed by the secretary of state. They may allow people other than those with a right to be heard to give evidence, they listen to the evidence for and against and will usually make a site visit.

In most cases the inspector conducting the inquiry makes the decision on it. But in matters of national importance, eg, the application by the British Airports Authority to develop Stansted, or the National Coal Board's to desire to mine in the Vale of Belvoir, they report with recommendations to the secretary of state, who will make the decision. The secretary of state is usually guided by the inspector's report, but is not bound by it and may overturn the inspector's recommendations.

Public participation and consultation

Public participation was urged upon local authorities by the *Skeffington Report* 1969. Local authorities may have to consult with the public – indeed, most of them welcome the chance to do so – but they cannot and will not involve members of the public in policy decisions. That is what councillors are elected to do.

Planning authorities are required to consult with the public and keep them informed at all stages in the preparation and production of structure plans. In addition, the public may object to the secretary of state and give evidence to a public inquiry should it be decided to hold one.

There is, in theory at least, a greater chance of public involvement in local plans. Views are canvassed before the draft plan is drawn up. Once this has been done the public can comment on it and a public inquiry may follow.

With planning applications, people affected may make representations, which the planning authority must consider before a decision is made. They may also give evidence if the application goes to appeal.

In the final analysis, however, it is the planning authority, the Secretary of State (or the inspector) who decides.

Chapter Nine

Local government and personal social services

Explains the range of local authority social services. Appreciates in outline the role of independent or voluntary services.

Alongside housing, this is probably the richest field for reporters looking for human interest stories.

Tug-of-love babies, child abuse, (including sexual abuse) the treatment (or mistreatment) of the old, the attitudes of people towards the mentally ill and mentally handicapped – all of these provide a rich vein of copy.

There are also problems for journalists. There are major restrictions on the reporting of matrimonial cases and those involving children, and you will also have to deal with social workers who will do everything in their power to prevent you finding out about their clients.

Because of a series of scandals over child abuse, social workers have not had a good press in recent times. They are not likely to go out of their way to help you.

The National Health Service and Community Care Act 1990 introduced a new system of community care that placed major responsibilities on counties, metropolitan districts and London boroughs. It aims to develop, using private facilities where possible, extensive care and support services to allow people to live in their own homes rather than institutions. Its introduction has been delayed by financial stringency but it is expected to be phased in over the next few years.

The background

The long tradition of local authority welfare was dramatically updated following the report of the Inter-Departmental Committee on Local Authority and Allied Personal Social Services.

The report, named the *Seebohm Report*, after the chairman of the committee, was published in 1968. It led to the Local Authorities Social Services Act 1970 which created social services departments out of the traditional welfare and children's departments.

Under the Local Government Act 1972, county councils and metropolitan district councils are social services authorities. In London the functions are carried out by the London boroughs and the City of London Corporation. All these authorities are required to appoint a director of social services and to establish a social services department and committee to provide and administer the services.

Social services departments are responsible for a wide range of personal services for families, children, the disabled, the elderly, the mentally handicapped and mentally ill.

Children

Local authorities work in concert with the police, the NSPCC and a range of other agencies including health and education authorities to protect and help children.

The Children Act 1989 made the most far reaching and comprehensive reform of child law within living memory, bringing together the public and private law on care, protection and the upbringing of children and the provision of services for them and their families. It states the paramount principle that the child's welfare is the major concern when matters come to court, and that courts should only make orders if it would be better for the child than making no order. It covers cases such as divorce and whether to place a child under the supervision or care of a local authority. Parental responsibility is redefined in a modern manner so that unmarried fathers can acquire equal parental responsibilities as mothers. Courts can make four new types of orders.

Residence – settling with whom the child should live

Contact – allowing visits or contact with a named person

Specific issue – e.g. attending a specific school

Prohibition – forbidding certain actions.

Local authorities are given a new duty to promote the upbringing, where possible, of children by their families as well as the general one of promoting the welfare of children in their area who are in need. Regard must be had to the wishes and feelings of the child and of any body with parental responsibilities for the child. The idea is that there should be a partnership between the parents and the local authority where this is possible. Assistance can be given either by cash or in kind and day care may be provided for children under five who are not at school and care and supervision for those at school who need it.

Local authorities must provide accommodation for any child who needs it because there is nobody with parental responsibility or the child is lost or abandoned, or because the person who is responsible is unable to provide the care. Where parents make voluntary arrangements with a local authority to care for a child then they can withdraw the child from the arrangements without

giving notice. When a local authority has been looking after a child, its responsibilities do not end when the child leaves. The authority then has a new duty of advising, assisting and befriending, including giving financial assistance e.g. for accommodation.

Care and Supervision

New grounds are set out in which a court must be satisfied before it makes a **care or supervision order**. These include that a child is likely to suffer considerable harm from receiving care of a standard below that which would be given by a reasonable parent or that it is beyond parental control. Orders cannot be made for anybody aged 17 or over.

Under a care order the local authority assumes parental responsibility for the child but they must allow parents reasonable access unless there is an emergency or a court denies access.

A supervision order puts a child under the supervision of the local authority which then has a duty to advise, assist and befriend the child. The supervisor will be a social worker or, under certain circumstances, a probation officer. An order directing with whom the child should live may be attached to a supervision order.

The Act provides major reforms in the rules governing emergency protection aimed at striking a balance between the need to protect children from harm in emergencies and allowing aggrieved parents to challenge any action. A child may be taken into public protection for up to 72 hours if it is considered the child would otherwise suffer considerable harm and courts may make emergency protection orders giving parental responsibilities to another person who must then take any necessary action and return them to their parents as soon as continued removal proves unnecessary. Orders are limited to eight days but can be extended for a further seven days.

Local authorities have a duty to themselves to provide community homes for children looked after by them and for supervising the registration of voluntary homes provided by other persons. Anybody who is prohibited from fostering a child privately cannot be concerned with the management or finances of a registered children's home without the consent of the local authority.

Adoption is a local authority function exercised with private adoption societies. Anyone wishing to adopt a child, which must be over 18 weeks old and under 18 years, applies to a society or local authority and is then subjected to intense scrutiny. Anyone over 21 is legally entitled to adopt a child, but in practice it is usually confined to married couples where the wife is under 35 and the husband under 40.

Before a couple who wish to adopt a child are approved they will have several meetings, both together and separately, with a social worker who will investigate their backgrounds and their reasons for wanting to adopt.

Once they have been approved the child is put into their provisional care. If this is done through a private society, the social services department or its own adoption agency must be notified. The child then becomes protected: it is visited

regularly by social workers to make sure the home is suitable.

An **adoption order**, made by a juvenile court sitting in private (the press are not allowed to be present), cannot be made until at least three months after notification to the local authority.

Fostering enables local authorities and private agencies to find secure homes for children in care or at risk but without the finality of adoption. When fostering is carried out privately, the children concerned still come under the care of the local authority.

Local authorities are always looking for foster parents. They need to know full details about family life – prospective foster parents are visited in their homes by social workers. References are needed and prospective foster parents must agree to inquiries being made about them with their doctor and the police.

There are severe restrictions on who may become foster parents. Among those barred are people convicted of causing or permitting bodily harm to a child – living in the same house as someone who has been convicted of such an offence as enough to be debarred – and those against whom an order has been obtained removing a child from their control.

Local authorities approve a range of people as foster parents; married couples, single or widowed women, and sometimes men.

Social workers have the right to see foster children on request at regular intervals. They can remove a child from foster parents at any time if they believe it to be in the child's interests.

Official (local authority) foster parents have no right of appeal against this: private foster parents can appeal to a juvenile court and then to a crown court.

Local authorities use foster parents on both a short term and a long term basis. They pay allowances to foster parents for feeding and clothing the children. Most councils also make extra payments to cover birthdays, holidays and Christmas. For children with special needs, enhanced payments are made.

Where fostering is arranged privately, the local authority must be informed when a child has been looked after for more than 27 days by someone not related to it. It is a criminal offence not to give the information. Once it has been given the child comes under the supervision of social workers.

Custodianship, which came into force in December 1985 (it was introduced by the Children Act 1975) is a midway state between adoption, which gives the adoptive parents full legal rights over a child, and fostering, where the foster parents have no legal rights.

Custodianship is not the same as custody: it is a court order vesting legal custody in a third person. But the formal relationship between a child and its custodian ceases when the child reaches the age of 18 or the custodianship order is revoked by the juvenile court.

People who may apply for a custodianship order are:

1. Anyone with whom the child has been living for three years.

2. Anyone with whom the child has been living for 12 months as long as the applicant has the consent of one parent or guardian.
3. A relative or step-parent with whom the child has been living for the previous three months providing a parent or guardian approves.

Application for a custodianship order must be made to the high court. Notice must be given to the appropriate local authority within seven days of making the application. A local authority has to report to the court on the circumstances: the officer must interview the applicant(s), the natural parents where possible, and the child.

The court must treat the welfare of the child above any other consideration.

Wardship. This normally occurs in parental disputes over the custody of a child, eg, a child is made a ward of court to prevent a parent taking it out of the country. Local authorities are concerned when a child who is a ward of court is placed into care.

Wardship proceedings are normally held in private, but the judge may, if the applicant wishes, permit the press to be present so that maximum publicity is given.

Child minders. Local authorities must keep a register of all who receive payment for looking after children under the age of five. When an application to be registered is made, a social worker will inspect the applicant's home. Registration may be refused if the home is not considered to be suitable. Inspection can take place at any time. The local authority decides how many children a minder can look after.

Child guidance. Child guidance clinics are run by local authorities or local education authorities or can be linked to a psychiatric hospital. If an authority thinks a child needs treatment for disturbed behaviour it may apply to the juvenile court for an order under a supervision order. The parents must agree to this in court.

Community Care for the elderly and handicapped

The National Health Service & Community Care Act 1990 places major responsibilities on counties, metropolitan districts, London Boroughs and the City of London for community care aimed at:

- The promotion of domiciliary, day and respite services to allow people to live in their own homes.
- Ensuring that those who provide services make practical support a high priority.
- A proper assessment of a person's needs and then good case management.
- The development of a flourishing independent sector alongside good public services.
- A clarification of responsibilities, better value for money and a new funding structure.

Local authorities must prepare plans for community care as must Health Authorities, but they may prepare plans jointly. Plans must be published and kept under review and in their preparation the local authority must consult widely with a whole range of bodies including the voluntary sector.

There is a duty on local authorities to assess the needs of a person requiring care by reason of age, infirmity, disability or other circumstances and to make arrangements to provide suitable services to meet those needs within the limit of the resources available. If the assessment shows that the person is disabled then the local authority must decide the services required under the Disabled Persons (Services, Consultation and Representation) Act 1986 and inform the disabled person of what they are doing and the rights of appeal. Services cover a wide range of activities including home helps, hot meals, telephone, cheap travel, parking, holidays and home modifications and aids. Employment can be provided for the disabled in sheltered workshops and day nurseries and day centres provided for people with handicaps.

In recent years measures have been taken to move the mentally handicapped out of long stay hospitals into small group homes to enable them to live together in ordinary family-sized homes with a substantial degree of independence.

Where services need to be provided by the health authority or the housing authority then they must be notified and invited to take part in the assessment and decisions.

Where there is a need for temporary care then this can be provided without waiting for an assessment.

While local authorities can provide homes themselves and meet the full costs of maintaining them, including food and accommodation, the intention is that more use should be made of private sector facilities. To do so they can make arrangements with voluntary associations or other persons providing residential facilities and pay the charges involved.

Where a local authority has entered into an agreement with a private sector operator to provide residential accommodation they must assess the ability of the person accommodated to pay towards the cost of the care they receive. This will be the full economic cost unless the resident cannot afford to pay it. Residents may claim income support and housing benefit as though they were in a local authority home and will have to pay the amounts over to the home, less a personal allowance, which they can keep for themselves.

Local authorities receive grant from the government for community care through the revenue support grant. The Secretary of State has rights of inspection over any premises providing community care and local authorities are required to establish a complaints procedure.

Mentally ill

Local authorities have very limited powers in relation to people who are thought to be in need of treatment for mental disorders.

Social workers have the right to apply to a hospital for a person to be admitted for up to 28 days for compulsory observation. The application must be

supported by two doctors, but in an emergency, where it would be unsafe to wait for two doctors, social workers, with the support of one doctor, can apply for emergency admission. This only lasts for 72 hours, but after examination by the hospital psychiatrist, it can be replaced by a 28 day **observation order** or long term treatment.

Compulsory observation orders, unless replaced by admission for long-term treatment, lapse at the end of 28 days when the patient must be discharged.

Where children in care suffer mental disorders, the local authority may exercise the rights of nearest relative.

If a social worker believes a mentally disordered person is being ill-treated or neglected on private property he may apply to a magistrate for a warrant allowing a policeman to enter the premises.

Social workers may make an application for a person to be admitted to hospital for treatment. This must have the consent of the nearest relative, but if the social workers believe this consent is being withheld unreasonably they may apply to the courts for an order appointing someone else to have the rights of nearest relative.

A social services authority can be appointed guardian to a mentally disordered person who is not likely to respond to hospital treatment but who is in need of protection. Where a private person is appointed, this must be with the consent of the social services authority.

Local authorities have a duty to provide for the care and after-care of the mentally disordered. Some run their own residential hostels; others take places in hostels controlled by voluntary organisations.

Local authorities also run adult fostering or supervised lodging schemes under which ex-patients are boarded privately.

Day care centres are provided or sponsored by local authorities. These provide sheltered employment for people with untreatable disorders.

Chapter Ten

Other Local government services

Outlines the operation and control of the fire service. Outlines the extent of leisure services, including sport, recreation, arts, museums. Explains the range of environmental health services. Outlines the responsibilities of local authorities for transport. Describes the function of highway authorities. Describes the range of consumer protection service. Describes the public library service. (A brief description of the police service is also included).

Police

The police service is a local authority responsibility except the Metropolitan Police area, which is larger than that of the former Greater London Council but excludes the City of London police. The Home Secretary is the "police authority" for the Metropolitan Police.

But in the same way that education is very much under the dictate of the Department of Education and Science, the 42 local authority police forces are subject to great control by the Home Office. In addition, chief constables have far greater power to act independently of their local authority – even to ignore them in some instances – than any other chief officer.

The framework of the present police system was established by the Police Act 1964, which swept away the previous system of county and borough forces, replacing it by predominantly county forces. There are some combined forces like Devon and Cornwall Police and Thames Valley Police.

The system was modified by the Local Government Act 1985, because five of the abolished metropolitan counties – Greater Manchester, Merseyside, South Yorkshire, West Midlands and West Yorkshire – had their own police forces, while the sixth – Tyne and Wear – is part of the Northumbria Police with Northumberland County Council.

New police authorities were set up in the five metropolitan areas. They have the same make up as existing county and combined forces: two thirds of the

membership consists of councillors from the area concerned, the remaining third being magistrates.

Role of police authority

Each police authority is responsible for the administrative efficiency of its police force and must provide and maintain police buildings and plant. Each authority has a duty to appoint chief and deputy chief constables, and may appoint assistant chief constables with the approval of the Home Secretary.

Each police authority must manage police finances by a separate police fund. This fund is responsible for running expenses of the force plus compensation to people who suffer loss through damage to, or destruction of, their premises by people engaged in riotous and tumultuous (it has to be both) assembly.

The chairman of the police committee is the spokesman at council for police administration.

Role of a chief constable

While the police authority is responsible for administration, the chief constable is responsible for operational effectiveness of the force. He has to appoint all members of the force under the rank of assistant chief constable.

The chief constable has to produce an annual report. This usually includes crime and vehicle accident statistics, comments on growing problems such as violence and drink driving, how the force is deployed and details of any major incidents. (The report is usually covered extensively in local papers and feature ideas stem from it.)

In addition, the police committee may ask the chief constable for a special report on any policing matter. He can refuse to provide this (he needs the Home Secretary's approval) if he considers it is not in the public interest.

Role of Home Secretary

Mention has already been made of Home Office control. In addition to being the police authority for the Metropolitan Police, the Home Secretary is responsible for the overall supervision of all police forces. This includes procedures for promotion and discipline, demanding reports from chief constables and ordering inquiries. The Home Secretary may also require a police authority to call for a chief constable's retirement (subject to proper inquiry).

He supervises the payment of grant to police authorities. The normal grant is 50% of approved expenditure (33 1/3% in the case of the City of London Police), this may be withheld if the force is not being run efficiently. The balance of the cost of the service is borne by ratepayers.

The Home Secretary has a general duty to exercise powers in the way best calculated to improve efficiency. HM Inspectors of Constabulary are appointed to report to the Home Secretary.

Complaints

A new system of dealing with complaints about the police was introduced in 1985 with the establishment of the **Police Complaints Authority**. While this has strengthened the complaints procedure by introducing an independent element, it has not answered the objection that the police still investigate complaints themselves.

There are now three tiers of **complaints procedure**. Tier 1 covers the most serious complaints concerning death or serious injury alleged to have been caused by the police. The Police Complaints Authority appoints a team of assessors to supervise the investigation. This team, in turn, appoints police officers from a neighbouring force to investigate the complaint and report to it, thus ensuring that an independent body directs the investigation.

At the end of the investigation the papers are sent to the Director of Public Prosecutions to consider criminal charges. They also go to the Police Complaints Authority and the deputy chief constable of the force complained about to consider whether disciplinary charges should be brought.

Police officers may still face disciplinary charges even if criminal charges are not brought, or, if found not guilty. Disciplinary charges are heard by the chief constable either alone or with two members of the Police Complaints Authority. Punishment can include a caution, demotion or dismissal.

Tier 2 is concerned with less serious complaints. The Police Complaints Authority must be told: if it believes it is in the public interest it will supervise the investigation as above. This demonstrates its interventionist role.

If the PCA decides not to intervene, the deputy chief constable of the force involved appoints a team of police investigators from his own force or a neighbouring one. Papers are sent to the DPP for a decision on criminal charges; the deputy chief constable decides if disciplinary charges should be brought. He must inform the PCA of his decision. If he decides against, he can be over-ruled and ordered to bring charges. Disciplinary charges are dealt with as in Tier 1.

Tier 3 complaints are minor ones which are dealt with by an explanation or apology. An informal procedure is followed whereby a police officer investigates the complaint.

The only course open to a member of the public who is not satisfied with the way a Tier 1 or 2 complaint has been dealt with is to apply for a private summons.

Fire and Civil Defence

It was not until 1938 that local authorities outside London were compelled to provide a fire brigade – the Fire Brigades Act 1938 made it a compulsory duty for county boroughs, boroughs and urban districts.

During the second world war all fire brigades were combined as part of the national fire service, but they went back to local authority control in 1947. The difference then was the Fire Services Act made county councils the fire authorities.

This Act was updated by the London Government Act 1963, (which created the Greater London Council), by the Local Government Act 1972, (which made metropolitan county councils fire authorities) and by the Local Government Act 1985 (which abolished the Greater London Council and the metropolitan counties).

Seven new fire and civil defence authorities have been established. In the six metropolitan counties the new authorities are made up of councillors nominated by each district involved. Numbers are based on the size of each authority and are required to reflect the political balance of the councils as far as is practical. In Greater London, the London Fire and Civil Defence Authority consists of one councillor nominated by each of the 32 London boroughs, plus one from the City of London.

Fire authorities can be a combination of two or more counties – this is done either with agreement or by command of the Home Secretary. The Home Secretary also has a general power to make detailed regulations on the running of fire brigades, particularly with regard to staffing.

Each of the 55 fire authorities in England and Wales must equip and train a fire fighting force, make arrangements for dealing with calls for assistance, gather information about "risk" buildings in the area, give advice on fire protection and make sure that an adequate supply of water is available for fire fighting. Each authority must also draw up reinforcement schemes with neighbouring fire services to deal with big fires.

In addition to its main function of fire fighting and fire prevention, fire brigades may be called on to deal with other emergencies. Special services are divided into two categories – humanitarian and non-humanitarian (not urgent). An example of the former is a serious road accident in which people are trapped. A non-humanitarian incident could involve pumping out a flooded basement.

Fire authorities bear the cost of local fire services but receive an exchequer contribution within the rate support grant.

Role of fire authorities

Each fire authority has to notify the Home Secretary each year of its brigade establishment scheme who decides whether the provision is adequate and efficient. The Home Secretary may make such a scheme for any brigade if necessary and must give approval before any brigade can reduce services.

In addition, the Home Secretary must maintain a system of fire brigade inspectors.

The disaster at Bradford City Football Club in 1985 helped concentrate minds on the provisions of the Fire Precautions Act 1971, implementation of which had been very slow.

An immediate result was that many football grounds were forced to reduce attendance limits until further safety precautions were taken.

The 1971 Act laid down that various kinds of premises, eg, offices, sports grounds, hotels and theatres, could not be used without a fire certificate.

Certificates were to be supplied by fire authorities after an inspection to see if there were adequate fire precautions and fire escapes.

This provision runs parallel to two others: the requirement for adequate fire precautions in new buildings under the fire regulations; and the requirement under the Public Health Act 1936 that fire escapes must be provided in buildings like theatres and hotels.

Civil defence

Civil defence, like the other emergency services, is a local authority function which the Home Secretary closely controls. But for this there would be no civil defence provision in many (left wing) authorities.

Many of these authorities have made their own gesture by declaring themselves nuclear free zones.

The Civil Defence Act 1948 empowered the Home Secretary to take the necessary measures to implement an effective means of civil defence. It also gave the right to pass on whatever measures considered appropriate to local authorities.

Local authority powers were extended by the Civil Defence (Planning) Regulations 1974, which imposed on county councils – in the metropolitan areas the new fire and civil defence joint boards – the duty to make plans to deal with hostile attacks so as to preserve essential services and look after the victims. District councils have to be consulted about these plans, and the plans cannot be implemented without authorisation by the Home Secretary.

All counties in England and Wales have an emergency planning officer who is responsible for co-ordinating the emergency services.

The Home Secretary has some discretion in the reimbursement of local authority costs on civil defence – in some cases they get all the money back, but in others only 75%.

Consumer protection

Consumer protection is a fairly recent responsibility of local government which grew out of the traditional services provided by weights and measures departments.

Achieving accurate quantities was the aim of three Weights and Measures Acts, but in the latter half of the 1960s Parliament started to look at other ways of helping consumers. Very quickly trading standards departments were set up. They became concerned with the accurate description of goods, fair trading practices, credit and safety of goods.

Trading standards officers are employed by county councils, London boroughs and the City of London, and metropolitan districts. It is important not to confuse their work with that of **environmental health officers** who operate at district council level. As far as food is concerned, composition and labelling is a consumer protection responsibility but food hygiene is the concern of environmental health officers.

A number of authorities went further than required by law by setting up **consumer advice departments**. These have frequently worked in conjunction with Citizens Advice Bureaux and bodies like the Consumers Association.

Weights and measures functions of local authorities are principally defined by the Weights and Measures Acts of 1963 and 1979.

Counties, London boroughs, the City of London and metropolitan districts have to keep standard weights and measures against which all those used in their areas can be checked.

All authorities have to appoint a chief inspector of weights and measures and other inspectors as required. All must possess qualification certificates from the Department of Trade and Industry.

Inspectors have to enforce compliance with the standards. The responsibility is vested in them as individuals and not the councils.

Use of unauthorised weights and measures is a criminal offence. Inspectors, armed with permission from magistrates, can demand entry to premises to check and test equipment. Sale of food or other goods by short weight is also a criminal offence. Retailers do have a defence of mistake, if they can show they took all due care. Misplaced trust in employees is no defence.

Trades descriptions. Local authorities have a duty to enforce the controls imposed by the Trades Descriptions Acts of 1968 and 1972. These prohibit, among other things, false trade descriptions of goods and false indications of their price. They also lay down the conditions under which goods may be offered at a special "sale" price.

Fair Trading

Setting up the office of Director of Fair Trading by the Fair Trading Act 1973 proved a big help to local authority trading standards officers.

Particularly, they welcomed the Director-General's power to ask anyone in the course of business acting in a way detrimental to the interests of consumers, to give an assurance as to future conduct.

Where an assurance is not given, the Director-General can take the "offender" before the Restrictive Practices Court or County Court, which can accept an assurance or, failing that, make an order. Local authority officers say this is a valuable supplement to their work, particularly where persistent complaints could not previously be adequately dealt with by prosecution under the Trades Descriptions Act.

Local authorities also work closely with the Director-General in implementing the provisions of the 1974 Consumer Credit Act, the 1976 Resale Prices Act, the 1978 Consumer Safety Act, and the 1979 Sale of Goods Act.

Civil claims, such as those under the Sale of Goods Act, have to be brought by individual consumers in the county courts. But offences under the Trades Description Acts and the Credit Acts are criminal. Prosecutions in matters of purely local interest are brought by trading standards officers, but in cases which

raise questions of general policy or issues of a national character, the prosecution is brought by the Director-General of Fair Trading.

Environmental health

The modern system of district councils grew out of the local boards of health and other sanitary authorities set up under the Public Health Acts 1872 and 1875.

Local government lost most of its health functions in 1948 and 1974 with the establishment and reorganisation of the national health service, leaving them only with a responsibility for environmental health, the principal statute they work under being the Public Health Act 1936.

Environmental services overlap many other duties of local authorities, particularly trading standards and housing. Many metropolitan districts and London boroughs, which now have responsibility across the whole field, have departments of environmental services which cover environmental health and all aspects of trading standards consumer protection. Others, including some districts, have combined health and housing departments. Many remedies for dealing with bad housing conditions are provided under public health legislation.

The most familiar environmental services to the general public are those for street cleaning – failures here led to a tirade by the prime minister in May 1986 and Operation Facelift – and the collection and disposal of domestic trade and refuse.

Refuse collection is a district council/London borough responsibility, but there has been a growing trend, spurred by the Conservative government, for authorities to contract out this service. But where this is done the authorities remain statutorily responsible.

The Control of Pollution Act 1974 lays down that authorities must remove household waste from premises in their area. A "reasonable" charge can be made for removing commercial waste.

All collection authorities must prepare a plan for recycling waste and must publicise it. Waste disposal authorities also have power to recycle waste and if there is any dispute then the Secretary of State decides who should provide the service. Collection authorities must deliver waste to sites specified by the disposal authority but may omit waste they need for recycling and are entitled to a financial contribution from the disposal authority if they have to deliver waste to a place that is unreasonably far from their area.

Outside metropolitan areas refuse disposal is a county function. Since abolition of the GLC and metropolitan counties, in their areas, the function is split among individual authorities, statutory boards and non-statutory joint bodies.

Disposal authorities have to provide sites where refuse can be incinerated or otherwise destroyed. They also have to remove industrial waste at a reasonable cost.

The Environment Protection Act 1990 provides strict controls over the disposal of waste and requires disposal authorities to create "arms length" local

authority waste disposal companies to separate their duties as a regulator from those of actually disposing of the waste. They may employ private companies for their disposal functions. Disposal authorities must prepare a waste disposal plan, consult on it and publicise it. This often proves a subject of high controversy among those who do not want waste disposal sites near their premises. A licence issued by the disposal authority is needed to deposit waste on land. Industrial waste can be removed at reasonable cost.

Food hygiene

Food and drug functions under the Food and Drugs Act 1984 are the responsibility of county councils, metropolitan districts and London boroughs – in Wales, district councils may be appointed as food and drug authorities. All responsible authorities have to appoint a public analyst.

Food and drugs functions come under the direct control of the Minister of Agriculture, Fisheries and Food. If not satisfied with the way in which an authority is carrying out its duties, the Minister can send an inspector to take charge at a cost to the authority.

The principal duties for authorities are to prevent the marketing of unwholesome food and inferior or adulterated food and drugs. They also have to prevent the use of misleading statements about the sale of food or drugs.

Authorised officers qualified to carry out the functions must be appointed. Their powers include entry on to the premises, forcibly if authorised by magistrates. They may take away samples for the public analyst. Offences under the Food and Drugs Act are criminal ones – it is up to the authorities to prosecute.

Food hygiene functions under the 1955 Act are the responsibility of district councils. They are related to the observance of proper hygiene in selling food for human consumption, and any other activities related to this – importing, preparing, transporting, storing, packing, wrapping, displaying, serving and delivering food.

Further detailed controls over people and premises involved in all these activities were imposed by the Food Hygiene (General Regulations) 1970. Infringement is again a criminal offence, but only if public health is endangered. Authorities are responsible for prosecutions.

The Milk and Dairies Regulations 1959 makes the sale of unwholesome or adulterated milk a criminal offence. Local authorities also have to maintain a register of premises used for making, storing or selling ice cream, and for the making or preparing of preserved food and sausages.

The same authorities are also responsible for functions relating to slaughterhouses, principally their licensing along with knackers yards. The use of unlicensed premises is unlawful. They also have to enforce proper methods of slaughtering.

Authorities have the power to provide public slaughterhouses, cold stores and refrigerators.

Functions under the Diseases of Animals Act 1950 fall on counties, metropolitan districts, London boroughs and the City of London – the City of London administers the whole of the Greater London area as far as imported animals are concerned.

Provisions of the **Shops Acts** 1950 and 1965 are administered by metropolitan districts, London boroughs, the City of London Corporation and district councils under central government supervision exercised by the Home Secretary. These are principally concerned with opening hours, goods permitted for sale, and employment. **Sunday trading** is, of course, in a terrible mess, with enforcement of the law entirely dependent on the determination or otherwise of each district council. The government had hoped to clear all this up by new legislation, but their Bill to abolish all restrictions on Sunday trading was defeated at second reading.

Sanitation and buildings

Most people some time will complain of the “nuisances next door”. The remedy, if all reasonableness fails, is a civil action in the county court. But a statutory nuisance, which means a local authority can act to stop it, is much more than this.

The Environment Protection Act brought together and simplified the definition of statutory nuisances previously spread over a number of statutes and restated the duty of local authorities to inspect their areas and detect statutory nuisances. A brief definition of a statutory nuisance is something that actively threatens public health. The procedure for a local authority making **abatement orders** is now the same as for pollution control. The authority serves a notice requiring the nuisance to be abated and if it is not, then the local authority may do the work themselves and recover the costs involved from the person responsible. A private individual may apply to the magistrates court for them to issue an abatement notice. As well as dealing with existing nuisances local authorities also have power to deal with those likely to occur or recur.

The **Health and Safety at Work Act** imposes on district councils the enforcement of regulations governing working conditions on non-domestic premises. This duty is subject to inspection by a government agency, the Health and Safety Executive.

Fire precautions are covered separately by the Fire Precautions Act 1971. These function parallel to fire precaution requirements in new buildings under the building regulations (see chapter 8).

Again, authorities can order owners of dangerous buildings to make them safe, or they can do the work at the owner's cost. Criminal proceedings can also be brought.

Where demolition is planned, local authorities must be notified in advance. They can impose requirements as to safety precautions.

Authorities also have power to control common lodging houses, premises where upholstery materials are used, caravan sites and canal boats. They can, on 24 hours notice, authorise officers to forcibly enter premises to carry out these

duties. But if notice is not given, or the authority's action is unreasonable, such forcible entry is treated as trespass.

Other environmental services provided by local authorities include the provision of public lavatories and the maintenance of cemeteries and crematoria.

Pollution control

The Environmental Protection Act introduced a new system of integrated pollution control. The Government is responsible for major new processes such as oil refineries, steel works and large chemical plants and local authorities (London Boroughs, Districts and the City of London) for the simpler processes such as small power plants, glass works and municipal and hospital incinerators. Control extends to all emissions whether to land, air or water.

Litter

There are strict controls over the leaving of litter on land under the 1990 Act which requires local authorities, statutory undertakers and other owners of public land to keep their land free of litter. Litter Control Areas may be designated by districts, London Boroughs and the City of London and then it becomes an offence for any person to throw down, drop or otherwise dispose of litter on land owned by a public body within the control area.

General health risks

There is a close working relationship between environmental health departments and district health authorities – the Medical Officer of Health, who prior to 1974 was a local government employee, has resurfaced as Community Physician (or similar) in the health authorities.

If measures for preventing damage to public health fail, and a disease like smallpox, dysentery or typhoid breaks out, local authorities must notify the health service and take immediate steps to prevent its spread.

Highways

Highways are always a good source of stories for local newspapers, whether about parking restrictions, new roads, road improvement schemes or even the closing of a road. Unfortunately, responsibility for roads is shared by all tiers of government and as a result are discussed by every type of local authority. A roads or highways committee is to be found in all tiers of principal local authorities.

The term "highway" is all-embracing covering motorways, roads, bridleways and footpaths. There are five main classifications:

- Motorways and trunk roads (4% of the road network – M and A roads).
- Primary roads (most A class roads)
- Secondary roads (B roads)
- Byways, footpaths, urban roads, streets, lanes etc.

- Private streets.

Highway authorities are: the Department of Transport (or the Welsh Office), county councils, metropolitan districts, London boroughs and the City of London.

The **Department of Transport** is responsible for motorways and trunk roads. Trunk roads are the basic network of roads linking major centres of population, industrial areas and ports, and are designated by the secretary of state. The secretary of state is responsible for overall policy, planning, improving, maintaining, financing and controlling the trunk road and motorway programme. Responsibility for final decisions on road schemes is shared with the Environment Secretary.

Responsibility for trunk road schemes rests with the departments regional organisation. In most areas there are special arrangements with consulting engineers to take care of larger schemes. Smaller schemes and maintenance are done by county highways departments as agents for the department. (For the planning procedure see below.)

County councils, metropolitan districts, London boroughs and the City of London are responsible for all but motorways and trunk roads. **District councils** may enter into agreements with county councils to act as agents for them. Depending on the agreement, they may be responsible for some or all highway responsibilities. In London, the secretary of state can designate certain roads to ensure a smooth flow of traffic: the London boroughs have to inform him of any proposals for these roads.

Highway authorities are responsible for planning and construction of highways, maintaining and closing them, street lighting, traffic management, parking and road safety.

Highway planning

There are special procedures for informing and consulting people about road projects. In the case of new roads, there should be co-operation between government departments, local authorities and public bodies. Alternative routes should be publicised as soon as possible.

A consultative document is issued describing the various routes and giving information on cost, environmental effects and other relevant factors. The statement is publicised and sent to all local authorities affected by the proposals. A public exhibition to present and to explain the alternative solutions is arranged. Opponents to the proposals submit their views to the Department of Transport.

At the end of the consultation period all the views expressed are examined. The decision on the route is published in a statement giving a summary of the public response and the department's reasons for its choice. After further detailed work, the chosen route is normally subject to draft orders.

If there are objections to the draft orders, a public inquiry is likely. It is concerned with the route, design and need for the road. The inspector hears the case for and against the road and reports to the secretary of state. The report will

contain certain recommendations. The final decision is taken jointly by the Transport and Environment Secretaries.

This overall process is administratively demanding and time-consuming and can take a number of years to see any constructive activity.

Maintaining and improving highways

The highway authorities are responsible for maintaining and improving highways. This is often carried out under agency agreements whereby county councils carry out work on trunk roads on behalf of the department of transport, and district councils act on behalf of county councils. District councils may also maintain urban unclassified roads and construct and maintain footpaths and bridleways. Journalists covering district councils must be particularly careful on discussions of road improvement schemes, for very often the schemes being discussed are ones proposed and financed by the **county** and on which the **district** may only make observations.

Closing highways

In certain circumstances, (eg, redevelopment), highway authorities may wish to close or divert a highway, particularly a footpath. This often leads to important stories in local papers. The process is complex and may need the approval of the secretary of state or a magistrates court. Public inquiries are often held before a decision is reached.

Street lighting

Highway authorities are responsible for street lighting, but district councils and parish/community councils may also be responsible for lighting footpaths.

Traffic management

Highway authorities are responsible for introducing one-way systems, traffic lights, pelican crossings, roundabouts, bus-only lanes, speed limits, control on heavy vehicles, restrictions on turning, etc. This is usually done through **traffic regulation orders** which normally require ministerial approval.

Parking

Highway authorities may prohibit or limit on-street parking, and may introduce meters or discs. District councils may do the same for unclassified roads. This, again, is usually done through **traffic regulation orders**. In addition highway authorities, district and parish (community) councils may provide off-street car parks.

Road safety

Highway authorities have a duty to study the causes of road accidents and take measures to promote road safety and reduce accidents. Such measures may include giving practical training to road users, giving out information on road

safety, and improving and repairing roads which are under their control.

Public transport

There has been a revolution in public transport provision. It is no longer possible for councils to heavily subsidise bus services. The major changes have been brought about by the Transport Act 1985 and the Local Government Act 1985. Readers of local newspapers are very interested to learn about the local provision of transport facilities and the cost to them both as ratepayers and users. As a result this is a fertile area for stories, and, with the changes brought about by recent legislation, is likely to become even more important. Under the Local Government Act 1972, county councils and metropolitan county councils were designated as being responsible for transport. The metropolitan county councils provided bus services, while the county councils merely "promoted the provision of a co-ordinated system of public transport". The 45 district councils who had provided a municipal bus service before 1972 were able to carry on. The local authorities were all able to subsidise the cost of providing the services in some parts, particularly the metropolitan areas, the subsidies were high and the fares low.

With the abolition of the metropolitan county councils in 1986, responsibility for transport (buses, airports, docks, etc) in metropolitan areas was transferred to joint boards. In London, the position is different: transport (buses and tubes) was transferred in 1985 to London Regional Transport – a body set up by the Government (see below for more details).

Buses

The Transport Act 1985 brought about the major changes in approach. The Act is based on the principle that local bus services should be provided by the free market, with local authorities responsible not for planning a comprehensive network, but for securing socially necessary services which the market has not provided. The cost of the service should in the main not be reduced by subsidies but by competition.

In order to permit competition, bus services are deregulated, thereby allowing any number of operators to run on a particular route. Anyone wishing to provide a bus service is merely required to obtain a **Public Service Operators Licence** from the **Traffic Commissioners**. This shows that the operator is competent to run a service. The traffic commissioners comprise a permanent chairman (appointed by the secretary of state) and two commissioners selected from a panel nominated by county and district councils in the area. In addition, the route or routes which are to be run commercially have to be registered with the county council or joint board. Deregulation was set for October 1986. With this new procedure it is not possible for existing operators to object and prevent a new operator providing a service.

As a result of the registration of the routes, county councils and joint boards know which routes are not covered commercially, and can decide which additional routes they wish to subsidise. These routes are put out to competitive tender to get the best value for money – in other words, an operator who will

provide an acceptable service with the lowest subsidy.

Once the routes have been registered, the operators have to give the county council or joint board notice of variations or cancellation of services. Action can be taken against operators who run an unreliable service.

Municipal bus services have had to be transferred from local authorities to separate companies under the Company Act, with their own directors, and they have to compete with private operators in the market.

Local authorities (usually district councils) may provide concessionary bus fare schemes for the elderly or disabled, provided all operators can participate.

The position in London is different from the rest of the country. In 1985, responsibility for the buses and underground was removed from the GLC and given to **London Regional Transport** (London Regional Transport Act 1984). London Regional Transport is a quango with members appointed by and responsible to the secretary of state. The Transport Act provisions on deregulation cover London. LRT is required under the Act to contract out work wherever suitable, and to get greater involvement by the private sector.

Airports and docks

District councils, county councils and joint boards may also provide and run airports and docks. Joint committees may be set up for this purpose. Examples of such provision include Luton, Manchester and Leeds/Bradford airports, and Portsmouth's ferry terminal. These have also been turned into companies, some in the public and others in the private sector.

Taxis

Taxis are licensed outside London by district and metropolitan district councils who also set the fare structure. Their powers to refuse granting a licence have been reduced by the Transport Act 1985. In London, taxis are licensed by the Commissioner of the Metropolitan Police. The fare structure is determined by the Home Secretary in London but by the local authorities in the rest of the country.

Leisure

This is a growth area for local authorities because of an ageing population and changes in social and economic conditions.

Public libraries. This is one of the main leisure provisions of local authorities. In England, the service is the responsibility of county councils, metropolitan districts, London boroughs and the City of London. In Wales, it is a county function which may be delegated to districts.

Local authorities were first empowered to provide public libraries – but not to buy books for them – by the Public Libraries Act 1850. It was not until the Public Libraries Act 1919 that they were enabled to spend more than a rating limit of one penny in the pound on them. Today, there is no statutory limit.

Library authorities have a duty to provide a comprehensive and efficient library service, which can include the loan of records, tapes and films in addition to books. They have to make the service available to all who live or work in their area, or study full time there.

Books must be issued free – fines can be imposed on overdue returns – but authorities can make a charge for the loan of records, tapes and films.

Authorities can use library premises for meetings, exhibitions or concerts.

The Secretary of State for Education and Science has a duty to superintend and promote the improvement of the public library service. Library authorities must supply information required, and must make premises open to inspection.

Museums and art galleries. All local authorities are empowered to provide museums and art galleries. They may also contribute to expenses incurred in provision by other authorities.

Further powers to local authorities to establish orchestras, concert halls and other places of entertainment, to maintain a band or orchestra, and to foster arts and crafts, were given by the Local Government Act 1972. This Act also gives authorities wide powers to attract visitors to their areas, and to provide facilities for such events as conferences and fairs.

But there has been a great deal of concern that local authority support for the arts will suffer seriously following the abolition of the GLC and metropolitan county councils. Their role now falls on the individual London boroughs and metropolitan districts, backed up by some additional central funding and, in Liverpool, the establishment of a new trustee body to oversee the Merseyside County Museum and the Walker Art Gallery. But the fear is that the sum of their contributions may not match those of the abolished authorities.

Recreation

Under the Local Government (Miscellaneous Provisions) Act 1976, local authorities have a general power to provide recreational facilities as they think fit, both within or outside their areas.

They are also given specific powers to provide:

- sports centres;
- pitches for team games and athletic events, swimming pools, tennis courts, cycle tracks, golf courses, bowling greens, riding schools, camp sites and facilities for gliding;
- facilities for boating and water ski-ing;
- premises for athletic or recreational clubs; and
- staff, including instructors.

All authorities, including parish and community councils, can lease or buy land for public walks or pleasure grounds. Compulsory purchase may be used except by parish and community councils.

They may have transferred to them for use as open spaces disused burial grounds and open spaces held on trust.

They can set aside parts of public parks for ice skating and team games, and may allow individual clubs to have exclusive use of the facilities. They can equip and maintain pavilions and other buildings, provide apparatus (and make a charge for its use), provide boating lakes in parks and also provide caravan sites.

In many areas there are moves to privatise local authority leisure centres and the running of such centres is being put out to competitive tender.

Chapter Eleven

The Role of Water Authorities

Describes the functions of the Water and Sewage plcs, statutory water companies, National Rivers Authority and Director General of the Water Services. Explains the funding of these bodies.

The provision of clean drinkable water and efficient sewage disposal is the cornerstone of the good health and hygiene of the United Kingdom. Fresh clean water is available at any hour while used water is taken away quietly and efficiently, treated, cleaned and returned to the water cycle.

There is a great deal of water in the world, but it is not all that it seems. Ninety-eight per cent of the world's water is salt; almost two per cent is ice; man exists on less than one per cent of the world's total water. There is no new water: it has been used and re-used since the beginning of time. The job of a water authority is to provide clean fresh water to the kitchen taps (where a private water company does not do it) and to take away and treat all used water and to return it to the water cycle either by putting it into rivers or into the sea.

Today demands for water are enormous and still growing. For every person in Britain, about 35 gallons a day have to be put into supply by the water authorities. This does not mean that every person uses 35 gallons a day, but that is the amount which has to be produced for every person every day if the supply is to continue 24 hours a day. Standards of health and hygiene have improved dramatically in recent years: more showers and baths are taken than once was the case and the number of washing machines and dishwashers grows all the time. Car washing and garden watering use a great deal of water.

Finding new sources of water, building new treatment plants, treating drinking water to high standards and pumping and storing it costs large sums of money. Taking away used water and treating it is even more expensive. There are growing demands from the European Community and the public for higher standards in drinking water quality and for cleaner rivers and cleaner beaches.

In addition to the water used by every household every day, industry, commerce and horticulture need enormous amounts. The source of all our water supply is rain, and one might be forgiven for thinking that it is the one resource which is never in short supply in the United Kingdom. But here again the facts are not what they seem for the rain is only plentiful in the winter months when the demand for water is less. In the summer there is often not much of it about

and very often it does not fall where it is most needed.

That was the reason for the Water Act of 1973, which for the first time provided an organisation capable of seeing water needs as a whole, and not piece-meal. The Water Act 1973 was based on what is known in the industry as "river basin management." Ten **Regional Water Authorities**, one for Wales and the others for the rest of England, were set up on the principle that each area would provide its own self-contained water services system. They came into being on April 1 1974. The boundaries of each authority were created by geographical and hydrological considerations. Thus the counties of Kent, Sussex, Hampshire and the Isle of Wight were joined together to make Southern Water because that area gets more than 70 per cent of its water from underground. In the west country Cornwall and Devon were joined together to make the South West Water Authority, where most of the water is surface water from the rivers. Throughout the country the same pattern is followed.

Each of the self-sufficient water authorities aimed to provide enough water for the needs of the people who lived in its area, though there had to be some cross-border transfer of supply. In the United Kingdom there is no national water grid in the way that there is a national electricity grid.

Water traditionally had links with local government, because at one time water services were mostly supplied by local government, but the Water Act 1973 took the water industry away from local government – but left the right of local government to appoint a majority of members to the boards of the water authorities. This continued until 1983 when the Water Act of that year severed those links and decided that the appropriate management for water authorities was a small board of about a dozen members, appointed by the Government.

Privatisation

In 1990 the Government privatised the regional water authorities and as a result we now have ten water and sewage plcs. However, some of the services provided by the old regional water authorities were non-profit making (e.g. flood protection, environmental protection) and these could not be transferred to the privatised companies. As a result, the **National Rivers Authority** was established to take over these services. The 29 private statutory water companies who provide about 25% of the nation's water remained.

The Government decided to privatise the regional water authorities for the following reasons:

- The Government believe that privatised companies are more efficient and responsive to market demand.
- The state of the public sewers and sewage works and the quality of water and sewage effluent discharged was low requiring vast expenditure which could not be financed as long as they remained within the public sector. Major work was also required to meet the increasing demand for water. Massive capital investment was required and this, the Government felt, could only be provided by borrowing in the private sector.

- The old system was flawed in that the regional water authorities were responsible for both sewage disposal and environmental matters. This meant that they were supposed to prosecute water polluters – the majority of who were the sewerage undertakings. In other words, they had to prosecute themselves! In order to improve standards, the Government believed the enforcement agency should be separate from the possible polluter.
- Privatisation put water on the same footing as the other utilities – gas and electricity.

Water and Sewage plcs

There are ten water and sewage plcs in England and Wales who are responsible for:

- **Supply of water** – removal, treating and supplying water.
- **Storage and recycling** – reservoirs and the treating of used water to provide usable water.
- **Sewerage and sewage disposal** – the transmission, treatment and discharge of sewage.

In some areas the supply of water may be carried out by one of the 29 private **statutory water companies** which pre-date the privatisation of the water and sewage companies. District, metropolitan district councils and London boroughs may act as agents and maintain and build local sewers on behalf of the water and sewage company.

Consumers pay directly for the services – if they receive water from a private water company they will be charged by both the water and sewage company and the statutory water company. In such cases their payment to the water and sewage company will be reduced to take into account the fact that the company does not supply them with water.

For most householders charges are still based on the rateable value of property. Industry, commerce and agriculture pay through water meters.

As demand for water continues to increase there has been a growing feeling in recent years that water metering is a fairer method of charging, in that the customer pays for the amount of water used. As the domestic rating system ended in 1990 with the introduction of the community charge, the water industry will have to find a new way of charging in future. The Government has given it until the year 2000 to do this and in the meantime many new houses built are fitted with water meters. Experiments, including one in parts of the Isle of Wight, are being carried out where all domestic properties are being metered. This provides interesting and lively copy.

Charges will have to rise substantially as the companies have to invest in new plant, sewers etc to reach the higher EC standards of water and cleaner effluent. In addition they will have to make profits to satisfy their shareholders. Competition does not really exist and there have to be safeguards for the consumer. Hence, there are statutory limits on the charges levied, though the

companies are permitted to increase charges above the rate of inflation. The **Director General of Water Services** is required to ensure that the companies carry out their responsibilities and do not overcharge the consumers.

The Secretary of State for the Environment sets the standards for water supply and it is a criminal offence to supply water which is unfit for human consumption. Enforcement is the responsibility of the **Drinking Water Inspectorate** and local government environmental health officers.

The National Rivers Authority

The National Rivers Authority (NRA) is responsible for those services carried out by the old regional water authorities which were not transferred to the privatised water and sewage plcs. These include:

- **Pollution control** – will prosecute polluters of water
- **Environmental conservation** – will check that land owned by water and sewage companies is conserved.
- **Flood protection** – sea wall etc.
- **Fishing** – on inland waterways.
- **Navigation** – on inland waterways

The members of the NRA are appointed by the government. The Authority is divided into divisions which mirror the geographical areas of the water and sewage companies. The NRA is self-financing. It charges those bodies which supply water, those which use its services, the general public (environmental charge) and it also levies a land drainage charge on some local authorities.

The water and sewage companies flotation on the stock exchange, though controversial, was seen as a major success for the government. The share issue was over subscribed and some foreign water companies, notably the French, have purchased shares. At least one English water company has now purchased shares in its regional electricity company claiming that they have similar interests and the purchase makes good economic sense.

Appendix I

Important local government organisations and unions

There are three principal groups of unions in local government: white collar, teachers, and manual workers.

White collar. The National and Local Government Officers Association (NALGO), is one of the biggest of all unions with over 700,000 members. Most members work in local government. The Federated Union of Managerial and Professional Officers (FUMPO) is an alliance of trade unions representing chief and professional officers in the public services.

Teachers. The National Union of Teachers (NUT) is the main union, followed by the National Association of Schoolmasters and Union of Women Teachers (NAS/UWT) and the Assistant Masters and Mistresses Association (AMMA).

Manual workers. The National Union of Public Employees (NUPE) is the biggest manual worker union. Other manual worker unions with substantial membership in local government include the General, Municipal, Boilermakers and Allied Trades Union (GMBATU); the Transport and General Workers Union (TGWU); and the Fire Brigades Union (FBU).

Local authority associations. There are three principal associations which represent their member authorities in national negotiations: the Association of Metropolitan Authorities (AMA), representing London boroughs and metropolitan districts; the Association of County Councils representing county councils in England and Wales (ACC); and the Association of District Councils representing district councils in England and Wales (ADC). The National Association of Local Councils, represents parish and town councils in England, (and some in Wales) (NALC). Others in Wales belong to the Welsh Association of Community and Town Councils. There are two bodies for London boroughs: The Association of London Authorities (ALA) and the London Boroughs Association (LBA).

Most of the above have good press officers who will help journalists needing to know how a local authority story is affected by national events.

Appendix II

National Council for the Training of Journalists

Public Administration Syllabus

PART 1 – LOCAL GOVERNMENT

Structure of Local Government, including the different types of authority and their powers.

Local Electoral System

Local Government Procedure and Administration: The role of elected representatives and officers. Procedure at council meetings, the committee system, types of committees, co-option, delegated powers, minutes, officers' reports, the role of party politics, and the rights of the press to cover council and committee meetings, and organisation of departments, including corporate management.

Local Government Finance, covering all aspects of local government income and expenditure, including community charge, rates, grants, loans and EC regional funds.

Central Controls on Local Government, including local government commissioners and the requirement for competitive tendering.

Local Government Services, including current legislation and a broad picture of such services (and the associated role of central government) with particular reference to the following:

(a) *Housing:* Provision and administration of housing, and houses for sale schemes and home improvement subsidies, rent rebates and allowances, rent officers and rent assessment committees, housing associations.

(b) *Education:* The different types of schools and further education establishments, the role of the DES, local education authorities, school governors and head teachers.

(c) *Planning:* Especially the planning powers of local authorities; planning applications and public inquiries; structure, local and unitary plans.

(d) *Local Authority Personal Social Services.*

(e) *Environmental Health Services*, including refuse disposal and collection.

(f) *Transport and Highways.*

(g) *Other Local Authority Services*, including fire, recreation, libraries and trading standards.

The privatised water and sewage companies (including statutory private water companies and the National Rivers Authority).

Trends and Changes in Local Government, including government proposals and major topical special issues.

INDEX

- ACC, 111
- ADC, 111
- AMA, 111
- abatement order, 98
- Administrative Control, 49, 51
- adoption order, 85, 86
- Adoptive Act, 50
- adult education, 68-71
- Agency agreements, 11
- Aggregate Credit Limit, 44
- Aided Schools, 65
- airports, 102, 103
- annual report, 34
- approved duty, 31
- Arts, support of 103, 104
- Assessed Spending Need, 43
- Assisted Places Scheme, 73
- Assistants for Political Groups, 27
- Association of County Councils, 111
- Association of District Councils, 111
- Association of Metropolitan Authorities, 111
- Assured Tenancies, 61, 62
- attendance allowance, 31
- Audit Commission, 47, 48

- Bains Report, 34
- basic allowance, 31
- bonds, 45
- borough councils, 9
- borrowing, 38, 44, 45
 - advantages/disadvantages, 44, 45
 - sources, 45
- boundaries, 18, 19
- Boundary Commissions, 18, 19
- Boyle, Sir Lawrence, 35
- Bromley, London Borough, 49
- budget, 38, 39
- building control, 78
- building officers, 78
- building permission, 78
- building preservation notice, 79
- building regulations, 12, 14, 15, 78, 79
- buses, 102, 103
- bus shelters, 17
- by elections, 21
- by laws, 17, 50

- CPO, 80
- capital expenditure, 38, 44-47
 - aggregate credit limit, 44
 - control, 44-47
 - estimates, 38, 39
- capital grants, 43-45
- capital receipts, 44, 45
- capping, 39
- caravan sites, 12, 13, 15, 75, 98
- care order, 85
- careers officer, 71
- cemeteries and crematoria, 13, 14, 15
- central control, 49-52
 - administrative, 49, 51-53
 - financial, 37, 39, 43-45, 47, 48, 52, 59, 60
 - judicial, 52
 - legislative/parliamentary, 50, 51
 - reasons for, 49
- certiorari, order of, 52
- chairmen, 24-26, 31, 32
- change of use, 75, 77
- charges, 38, 44, 77, 104, 105
- charging authorities, 39
- chief constable, 91
- chief education officer, 28, 70
- chief executive, 22, 27, 29, 31
- chief financial officer, 29
- child abuse, 83, 85
- child minders, 87
- Children Act 1989 and 1975, 84, 86
- children's homes, 85
- city councils, 9
- City of London Corporation 8, 10, 12, 13, 20, 55, 84, 93, 98, 103
- City of London Police, 90, 91
- city technology colleges, 66
- civil defence, 10, 12, 13, 92-94
- Civil Defence Act (1948), 94
- Civil Defence (Planning) Regulations 1974, 94
- Clay Cross Urban District Council, 50, 51, 54
- clearance area, 57
- clearance order, 57
- closing order, 57
- collective community charge, 40
- colleges of further education, 67
- colleges of higher education, 67
- colleges of technology, 67
- combined police forces, 90
- commercial rate, 38, 42, 43
- commercial waste, 96
- commissioners, 50-54
- Commissioners for Local Administration, 33, 52, 53
- committees
 - admittance, 32, 33
 - chairmen, 24-26, 31, 32
 - membership, 26
 - political balance, 26, 27
 - powers, 25, 26
 - procedure, 25
 - types, 25, 26
 - voting rights, 26
- common lodging houses, 98
- community charge, 33, 36-42, 46, 47
 - analyses, 46, 47
 - benefits, 40
 - collective, 40
 - demands, 33
 - personal, 40
 - precepts, 40
 - Register, 41
- Registration Officer, 41

- safety net charge, 41
- standard, 40
- community councils, 18, 21, 33, 101
- community physician, 99
- comprehensive education, 64-67
- compulsory purchase, 75, 80, 81
- concessionary fares, 103
- confidential material, 32
- conservation areas, 79
- consumer advice departments, 94, 95
- Consumer Credit Act 1974, 95
- consumer protection, 12, 14, 15, 94-96
- Consumer Safety Act 1978, 95
- contingency fund, 43
- controlled schools, 65
- Control of Pollution Act 1974, 96
- co-opted Governors, 72
- co-option, 26, 32, 70, 72
- corporate management, 29
- council meeting
 - admittance, 32-34
 - procedure, 24
 - role, 24, 25
- councillors
 - declaration of interest, 30, 31
 - election, 20-23
 - payment, 31-32
 - pecuniary interest, 30, 31
 - relationship with officers, 30
 - role, 25-27, 30
- counting agents, 22
- county boroughs, 7, 8
- county councils, 7, 9, 11, 15, 16-18, 39, 43, 44, 50, 64, 69-71, 75, 76, 83-89, 93, 94, 100-102
- county matters, 75
- county police forces, 90
- Crossman, Richard, 8
- current expenditure, 38
- custodianship, 86, 87
- day centres, 87-89
- declaration of interest, 30, 31
- declaratory judgment, 52
- delegated powers, 25, 26
- demolition order, 57
- departments, 28, 29
- Department of Education and Science, 68, 69, 71
- Department of Employment, 68
- Department of the Environment, 33, 46
- Department of Transport, 100
- development control, 12, 13, 15, 74, 77
- development plans, 12, 13, 15, 74
- direct labour organizations, 28
- direct work departments, 28
- Director-General of Fair Trading, 95
- Director-General of Water Services, 109
- director of education, 28, 70
- director of finance, 28
- Director of Public Prosecutions, 92
- director of social services, 84
- disabled people, 87, 88
- Disabled Persons Act 1986, 88
- discretionary money, 51
- Diseases of Animals Act (1950), 100
- dispensation, 30
- district auditor, 47
- district councils, 9, 15, 17, 21, 39, 40, 42, 55, 75, 76, 96, 98-101
- district health authorities, 99
- district valuer, 80
- divisions, 20
- docks, 103
- domestic rate, 37
- Drinking Water Inspectorate, 109
- ECSC, 46
- EC, 45, 46
- education, 63-73
 - independent sector, 73
 - maintained sector administration, 12, 13, 15, 63, 64, 67-73
 - children with special needs, 65
 - finance, 65-67
 - governors, 72, 73
 - grants, 71
 - history, 64, 65
 - parents, 63, 67, 69, 72
 - structure, 65
- Education Act (1901), 64
- Education Act (1918), 64
- Education Act (1944), 51, 64, 67
- Education Act (1976), 65
- Education Act (1979), 65
- Education Act (1986), 72
- Education (Students Loans) Act 1990, 71
- Education Reform Act (1988), 63, 64, 68
- education committee, 22, 26
- elderly, 87, 88
- elections, 20-23
 - agents, 22
 - arrangements, 22, 35
 - expenses, 22
 - qualifications, 21-23
- electoral register, 22, 23
- electoral registration officers, 22, 23
- Elementary Education Act 1870, 64
- embargo, 33
- emergency planning officer, 94
- emergency services, 12, 13,
- emergency services, 12, 13, 15, 93, 94
- enabling authority, 11
- enforcement notice, 79
- environmental health officers, 94, 97
- Environmental Protection Act 1990, 96
- environmental services, 12, 14, 15, 96-99
- estimates, 38, 39
- European Coal and Steel Community, 46
- European Community, 45, 46
- European Investment Bank, 46
- European Regional Development Fund, 46
- European Social Fund, 46
- exempt material, 32

- ex officio members, 26
- expenses, 31, 32
- FBU, 111
- FUMPO, 111
- fair rents, 61, 62
- Fair Trading Act 1973, 95
- Federated Union of Managerial and Professional Officers (FUMPO), 111
- fees, 38, 44
- finance, 36-48
 - annual report, 34
 - audit, 47, 48
 - borrowing, 44, 45
 - budget process, 38, 39
 - capital expenditure, 44-47
 - capital receipts, 44, 45
 - community charge, 36-42, 46, 47
 - current expenditure, 38
 - EC, 46
 - fees, 38, 44
 - grants, 43-45
 - lotteries, 17, 45
 - rates, 37, 42, 43
 - rents, 38, 44, 54
 - revenue expenditure, 38, 39
 - stock exchange, 45
 - valuation, 42
- financial control, 38, 39, 43-45
- financial loss allowance, 31, 32
- Fire Brigades Act (1938), 92
- Fire Brigades Union (FBU), 111
- fire certificates, 93, 94
- fire and civil defence authorities, 10, 12, 13, 15, 92-94
- Fire Precautions Act (1971), 93, 98
- fire services, 12, 13, 15, 92-94
- Fire Services Act (1947), 92
- first schools, 66
- food
 - food and drugs authorities, 97
 - food and drugs legislation, 97
 - hygiene, 97, 98
 - labelling, 95
 - weights and measures, 94, 95
- Food and Drugs Acts 1955/1984, 97
- Food Hygiene (General Regulations) 1970, 97
- footpaths, 12, 13, 15, 17, 99-101
- fostering, 86
- foster parents, 85, 86
- franchise, 22, 23
- functions, 12-18
- further education, 67
- GMBATU, 111
- general grants, 43-45
- General, Municipal, Boilermakers & Allied Trades Union, 111
- governors, 72, 73
- grammar schools, 64-66
- grants
 - general, 43-45
 - EC, 46
 - house improvement, 57, 58
 - revenue support, 43-45
 - specific, 43
 - student, 71
- Grant maintained schools, 65
- Greater London Council, 8-10, 21, 49, 52, 90, 103
- Greater London Waste Regulation Authority, 11, 12
- group meetings, 26, 27
- gypsies, 12, 13, 15
- HATS, 58
- HIP, 59
- HMI, 70
- HRA, 59
- handicapped, 65, 87-89, 103
- Head of the Paid Service, 29
- Health and Safety at Work Act 1974, 98
- Herbert Commission, 8
- Her Majesty's Inspectors of Constabulary, 91
- Her Majesty's Inspectors of Education, 70
- higher education, 67
- highways, 12, 13, 15, 17, 99-101
 - closing, 101
 - improvement, 99
 - inquiries, 100
 - lighting, 101
 - maintenance, 101
 - parking, 101
 - planning, 100
 - safety, 101
 - traffic management, 101
- highway authorities, 12, 13, 15, 17, 99-101
- historic buildings, 79
- historic buildings and monuments, 13, 15, 79
- home helps, 88
- homeless, 56
- Home Office, 91
- Home Secretary, 90, 91, 93, 94, 103
- household waste, 96
- housing, 12, 14, 15, 54-62
 - private sector
 - improvement, 57, 58
 - overcrowding, 55, 58
 - rent assessment, 61, 62
 - rents, 61
 - tenure, 61
 - unfit, 57, 58
 - public sector
 - allocation, 55
 - elderly, 87, 88
 - finance, 59, 60
 - handicapped, 87-89
 - homeless, 56
 - Housing Benefit, 59
 - provision, 55, 56
 - rents, 59, 61, 62

- repair scheme, 58
- right to buy, 56
- sale, 54
- "tenant's" choice, 54
- housing (*cont*)
 - tenure, 55
- Housing Act 1957, 55
- Housing Act 1980, 54–56, 61
- Housing Act 1985, 55–57
- Housing Act 1988, 54, 58, 61, 62
- Housing Action Trust areas, 58
- housing associations, 55, 60
- housing benefit scheme, 59, 60
- Housing Corporation, 54, 60
- Housing Finance Act 1972, 59
- Housing (Homeless Persons) Act 1977, 56
- housing investment programme (HIP), 59
- housing revenue account (HRA), 59, 60
- hung councils, 27
- ILEA, 9
- improvement grants, 57, 58
- independent schools, 73
- industrial rate, 42
- industrial waste disposal, 96
- infant schools, 65
- injunctions, 52
- Inner London Education Authority, 9
- elections, 21
- inquiries, 77, 78, 80, 81, 100, 101
- inspectors
 - education, 49, 70
 - fire, 93
 - planning, 77, 81
 - police, 91
 - road, 100
 - weights and measures, 95
- instruments of government (schools), 72
- joint boards, 9, 10–13, 39, 93, 94, 102
- joint committees, 10, 12–14, 103
- judicial control, 49, 52
- junior schools, 65
- LEA, 65–73
- LMS, 67
- LRT, 10, 103
- land drainage, 108, 109
- Lands Tribunal, 80
- leader, 24, 26, 31
- legislative control, 49–51
- leisure services, 103
- libraries, 9, 13, 16, 17, 103
- licensing, 97, 103
- listed buildings, 79
- loans, 10, 13, 14, 44, 45
- local authority associations, 111
- Local Authority Social Services Act, 1970, 51
- local education advisers, 70

- local education authorities, 65–73
- local education inspectors, 70
- Local Government (Access to Information) Act 1985, 26, 32
- Local Government Act 1972, 9, 11, 17, 18, 31, 32, 35, 75, 84, 93, 102, 104
- Local Government Act 1985, 9, 21, 90, 93, 102
- Local Government Act 1986, 32, 35, 51
- Local Government Act 1988, 28
- Local Government Finance Act 1982 and 1988, 43, 52
- Local Government (Miscellaneous Provisions) Act 1976, 104
- local government ombudsman, 25, 33, 52, 53
- Local Government and Housing Act 1989, 59
- Local Government Planning and Land Act 1980, 28, 32, 75, 76
- local plans, 15, 76, 77
- locally managed schools, 67
- London Borough Association, 111
- London Borough Councils, 8, 10–13, 19–22, 25, 50, 55, 70, 75, 77, 84, 95, 96, 98–100
- London County Council, 7, 8, 21
- London Government Act 1963, 8, 93
- London Planning Commission, 75
- London Regional Transport, 10, 12, 103
- London Regional Transport Act 1984, 10, 103
- London Transport, 49
- London Waste Regulation Authority, 11, 12
- lotteries, 17, 45
- maladministration, 52, 53
- management team, 29, 30
- mandamus, order of, 52
- mandatory act, 50
- Manpower Services Commission, 68
- Maud, Sir John (Lord Redcliffe-Maud), 8
- mayors, 24, 26
- meals on wheels, 88
- medical officer of health, 99
- meetings
 - access to, 32, 33
 - agenda, 25, 32, 33
 - committee, 25, 26
 - council, 24, 25
 - minutes, 25, 26, 32
 - reports, 24, 32
- mentally handicapped, 88, 89
- mentally ill, 88, 89
- Merseyside County Museum, 106, 107
- Metropolitan Board of Works, 7
- metropolitan counties, 9, 75, 90, 93, 96
- metropolitan districts, 9, 10, 13, 14, 19, 21, 22, 39, 50, 55, 70, 75–78, 84, 90, 93, 94, 96, 98–100
- Metropolitan Police, 7, 12, 90, 91
- middle schools, 66
- Milk and Dairies Regulations (1959), 97
- Minister of Agriculture, Fisheries and Food, 97
- minutes, 25, 32, 33
- monitoring officer, 29
- mortgages, 56

- motions, 25
- motorways, 101
- museums, 14, 15, 104

- NALGO, 111
- NAS/UWT, 111
- NUT, 111
- National and Local Government Officers Association (NALGO), 111
- National Association of Local Councils, 111
- National Association of Schoolmasters and Union of Women Teachers (NAS/UWT), 111
- National Curriculum, 68, 69
- National Health Service and Community Care Act 1990, 83, 87
- National Rivers Authority, 107, 109
- National Union of Teachers (NUT), 111
- natural justice, 52
- Neighbourhood Renewal areas, 58
- nomination papers, 22
- non-domestic rates, 37, 38, 42, 43
- non-domestic rating multiplier, 42
- non-pecuniary interests, 31
- Norwich City Council, 50
- notice of election, 22
- notice of meetings, 32, 33
- nuisances, 57, 98
- nuisance order, 98
- nursery schools, 66, 67

- observation orders, 89
- officers
 - appointment, 28
 - delegated powers, 26, 78
 - political activities, 22, 29, 30
 - relationship with councillors, 30
 - role, 26, 28, 29, 78
- ombudsman, 25, 33, 52, 53
- outline planning permission, 78
- overcrowding, 55, 58

- parent governors, 72
- parish councils, 7, 17-19, 21, 33, 101, 104
- parish meeting, 18
- parking, 12, 13, 15, 17, 100, 101
- parks, 15, 17, 105
- parliamentary control, 50, 51
- party politics, 26, 27
- passenger transport authorities, 10, 13, 102
- pecuniary interest, 30, 31
- permissive Act, 50
- Personal Community Charge, 40
- petitions, 25
- planning, 74-82
 - administration, 12, 13, 15, 17, 75
 - appeals, 51, 78
 - applications, 11-13, 17, 74-79
 - approval, 77, 78
 - blight, 80
 - committee, 78
 - compulsory purchase, 75, 80, 81
 - conservation areas, 79
 - development plans, 12, 13, 74
 - historic buildings, 12, 15, 79
 - inquiries, 77, 78, 81
 - local plans, 15, 76, 77
 - public participation, 76, 78, 80-82
 - register, 77
 - structure plans, 15, 74-78
 - tree preservation, 75
 - unitary plans, 76, 77
- planning permission, 77, 78
- point of information, 25
- point of order, 25
- police, 90-92
 - administration, 10, 12, 13, 15, 90, 91
 - annual report, 91
 - complaints, 92
 - finance, 91
- Police Act (1964), 90
- police authorities, 10, 12, 13, 15, 90-92
- police committee, 91
- Police Complaints Authority, 92
- policy and resources committee, 26, 38, 39
- politically restricted posts, 22, 27
- politics, 26, 27, 36, 49, 51
- polling agents, 22
- polling station, 22
- poll tax (see community charge), 37
- pollution control, 98, 99, 106-110
- polytechnics, 67
- possession order, 58
- postal vote, 23
- precept, 40
- precepting authorities, 39
- presiding officers, 22
- press, access to meetings and documents, 32-34, 53
- press officer, 22, 34, 111
- primary schools, 66, 67
- private Act, 50
- private water companies, 107-109
- privatisation, 107-109
- Privatisation of the Water Authorities in England and Wales, 108-109
- procedure
 - committee meetings, 25, 26
 - council meetings, 24
- product of a £1 Community Charge, 41, 42
- prohibition, order of, 52
- proxy vote, 23
- public analyst, 97
- Public Bodies (Admission to Meetings) Act 1960, 32, 33
- public consultation, 76, 78
- public conveniences, 17, 101
- Public Health Act 1936, 57, 9
- Public Health Act 1961, 78
- public inquiries, 77, 78, 80, 81
- public libraries, 13, 14, 16, 111
- Public Libraries Acts (1850 a

public participation, 76, 78, 80-82
public relations officer, 34, 35
Public Service Operators Licence, 102
Public Works Loans Board (PWLb), 45

questions, 24

rates, 37, 42, 43

advantages/disadvantages, 37
business and commercial, 42
domestic, 37
rate capping, 39
valuation, 42

Rates Act 1984, 39, 52

rate capping, 11, 39, 52

rateable values, 37, 42, 43

recommendations, 26

recreation services, 13, 14, 15, 17, 104

Redcliffe-Maud Report, 8

refer back, 24

refuse collection, 12, 14, 15, 96

refuse disposal, 10, 11, 12, 14, 15, 96

refuse disposal authorities, 10, 11, 12, 14, 15, 96

Regional Water Authorities, 107

registration - births, deaths and marriages, 13-15

registration - elections, 13-15, 22, 23

registration officer, 22, 23

regulated tenancies, 61

Religious education, 68, 69

rents, 38, 44, 54, 59-62

Rent Act 1977, 61

rent allowances (see Housing Benefit and
Standard Housing Benefit), 40, 59, 60

rent assessment committees, 61

rent officers, 61

rent rebates (see Housing Benefit and Standard
Housing Benefit), 40, 59, 60

rent tribunals, 61

reorganisation 1974, 8, 9

reorganisation 1986, 9, 10, 11

reports, 32, 33

Representation of the People Acts (1983 & 1985),
22, 23

Resale Prices Act (1976), 95

residuary bodies, 9, 10

resolved items, 26

responsibility allowances, 31, 32

restricted tenancies, 61

returning officer, 22

revenue expenditure, 38, 39

revenue support grants, 43-45

rivers, 107-109

roads, 12-15, 17, 99-101

cleaning, 99

closing, 101

improvement, 99

inquiries, 100

lighting, 101

maintenance, 101

parking, 44, 101

planning, 100

safety, 101

traffic management, 101

Royal Commission on Local Government in
England and Wales 1966-69

(Redcliffe Maud), 8

Royal Commission on Local Government in
London 1957 (Herbert), 8

rural district councils, 7

safety net charge, 41, 42

Sale of Goods Act (1979), 95

schools, 63-69

school governors, 63, 65-67, 72, 73

school leaving age, 64

secondary modern schools, 67

secondary schools, 67

Secretary of State for Education and Science, 51,
64, 66, 69, 70

Secretary of State for the Environment, 8, 10, 18,
19, 30, 39, 47, 48, 50, 52, 55, 56, 58, 60, 61, 75, 77,
78, 80-82, 96, 100

Secretary of State for Social Services, 51

Secretary of State for Transport, 100, 101

Secretary of State for Wales, 18, 19, 30, 64

Seeborn Committee 1968, 84

sewerage, 106, 109, 110

sheltered housing, 56, 88

sheltered workshops, 88, 89

Shops Acts (1950 & 1965), 98

sixth form colleges, 67

Skeffington Committee (1969), 81

slaughterhouses, 97

small holdings, 15

social services, 83-89

administration, 12, 14, 16, 83, 84

children, 84-87

disabled, 87, 88

elderly, 87, 88

mentally handicapped, 88, 89

mentally ill, 88, 89

social workers, 83-89

special responsibility allowance, 31

special schools, 65

specific grants, 43

sports grounds, 104, 105

standard community charge, 40

standard housing benefit, 59

standard spending grant, 43

standing committees, 25

standing orders, 25

statutory committees, 25, 70, 84

statutory departments, 28, 70, 84

statutory nuisances, 57, 98

statutory officers, 28, 29, 70, 84

stock issue, 45

street lighting, 100

structure of local government

England (except London or the metropolitan
areas)

1888-1974, 7, 8

- 1974, 8, 9, 11, 15-18
- London
 - 1835-1965, 7, 8
 - 1965-1986, 8
 - 1986, 9-13
- Metropolitan areas, 9-11, 13, 14
- problems, 9-11, 75
- Wales, 17, 18
- structure plans, 15, 74-78
- student grants, 71
- subcommittees, 24, 26, 32, 33
- Sunday trading, 98
- superannuation, 10, 13, 14
- supervision order, 85
- supplementary charge, 39, 52
- supplementary estimate, 39
- supplementary precept, 39, 52
- surcharge, 50
- swimming pools, 15, 17, 104
- TVEJ, 71
- teachers, 68-73
- technical colleges, 66
- technical schools, 64, 69
- Technical and Vocational Education Initiative, 68
- tertiary colleges, 67
- Thatcher, Margaret, 64
- tourism, 15
- town councils, 18
- Town and Country Planning Act (1947), 74
- Town and Country Planning Act (1971), 74
- Town and Country Planning Act (1990), 74
- trades descriptions, 95
- Trades Descriptions Acts (1968 & 1972), 95
- trading standards, 12, 14, 15, 94, 95
- trading standards officers, 94, 95
- traffic commissioners, 102
- traffic management, 12, 13, 15, 101
- Traffic Regulation Orders, 101
- training agency, 68
- Training and Enterprise Councils (TEC), 68
- transport, 12, 13, 15, 17, 99-102
 - airports, 103
 - buses, 102
 - docks, 103
 - taxis, 103
- Transport Act (1985), 102
- Transport and General Workers Union, 111
- treasurer, 28, 29
- tree preservation, 75
- trunk roads, 99, 100
- ultra vires, 49, 52
- unfit housing, 57, 58
- unions, 111
- unitary authorities, 8
- unitary development plans, 12, 13, 76, 77
- uniform business rate, 37, 42
- universities, 67
- urban district councils, 7

- valuation, 42
- Valuation and Community Charge Tribunal, 41, 42
- valuation officers, 42
- virement, 39
- voluntary bodies, 60, 87, 88
- voluntary schools, 64, 65
- Wales, 17, 18, 42, 93, 103
- Walker Art Gallery, 104
- Walker, Peter, 8, 9
- ward of court, 87
- wards, 20, 21
- waste collection and disposal, 10-12, 14, 15, 96
- water, 106-109
 - administration, 107-109
 - authorities, 107
 - companies, 107, 108
 - finance, 107-109
 - privatisation, 107
- Water Act (1973), 107
- water meters, 108
- weights and measures, 95
- Weights and Measures Acts (1963 & 1979), 95
- Welsh Association of Community and Town Councils, 111
- Welsh Office, 46
- Widdicombe Report (1986), 27, 31, 34
- youth employment services, 68

Specially commissioned by the National Council for the Training of Journalists, this book provides a clear and concise guide to the current local government system in England and Wales.

It will be invaluable to all newspaper offices because it takes account of the great changes wrought by legislation on housing, and many other essential services. It includes a chapter on local government finance explaining the grant system, capital controls and audit system.

LGC Communications 1991

ISBN 0 904677 40 0

Price £9.60